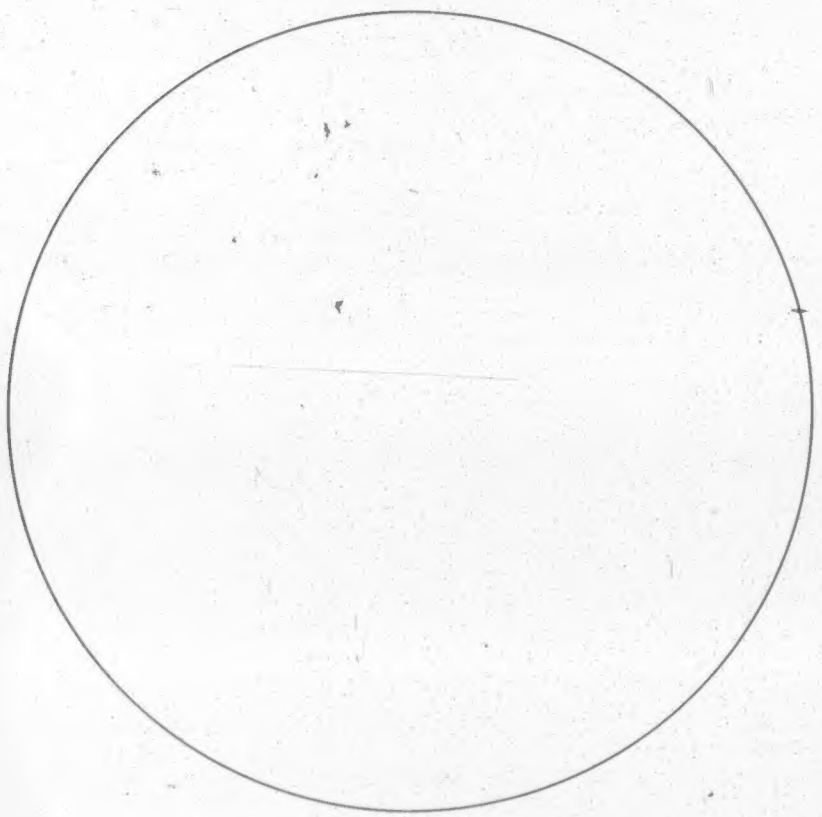
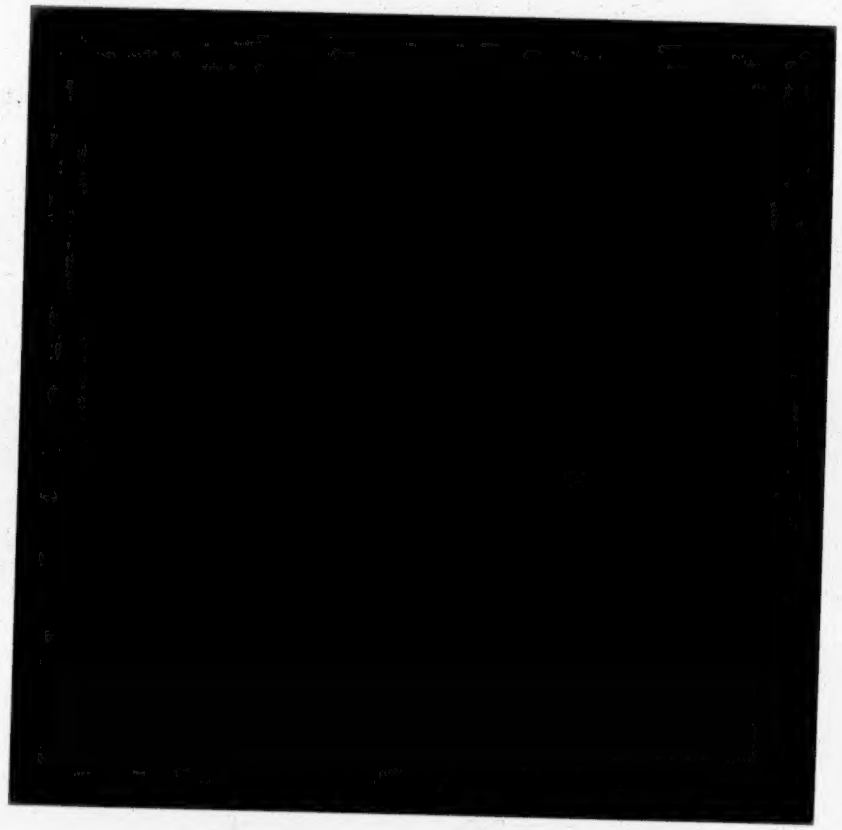
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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 158

MISSISSIPPI CHOCTAW MCR 6575 - 6668

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WASHINGTON: 1983

Choctaw MCR 6575

Martha DuBose

MCR 6575

6575

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 3, 1903

In the matter of the application of Martha Du Bose for the identification of herself and her two minor children Robert and Viola Du Bose asMississippi Choctaws.

A.S.McRea, Attorney for applicant:

Martha Du Bose being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Martha Du Bose.
Q What is your age? A Twenty two.
Q What is your post office address?A Rice Texas.
Q How long have you lived at Rice? A All my life.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q What was your father's name? A Anderson Hamilton
Q What is your mother's name? A Kizzie Love.
Q Howyou claim your Choctaw blood through your father or mother? A Father.
Q How much do you claim?A One sixteenth.
Q Was he an eighth Choctaw Indian? A He was one eighth.
Q Was your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Do you know when and where your father and mother were married?
A No sir.
Q You haven't the proof of that marriage here have you? A No sir.
Q Are you married? A Yes sir.
Q Your husband is living is he? A yes sir.
Q What is his blood or nationality. A White and colored.
Q What is his name? A M. Du Bose.
Q You don't make any claim for him do you? No sir.
Q What was your father's other blood besides this Choctaw blood?
A Negro I suppose.
Q Did he have any white blood? A No sir I think not.
Q Did your mother Kizzie have any white blood? A Yes sir.
Q How much? A One half.
Q And one half negro? A Yes sir.
Q Were your parents slaves at any time? A I think so.
Q Both of them? A I think they were.
Q Have you children you want to make application for? A Yes sir.
Q How many? A Two.
Q What is the name of the oldest? A Robert Du Bose.
Q How old is Robert? A Seven years old.
Q What is the name of the next child? A Viola Du Bose.
Q How old is Viola? A Five years old.

Q You claim for yourself and two ch
Q Is M. Du Bose the father of these
Q Are you and your husband living t
wife and these children living wi
A Yes sir.
Q Are the names of yourself or your
tribal rolls of the Choctaw Nation
A No sir.
Q Have you ever made application for
Nation to the Choctaw tribal auth
tory for yourself and children? A
Q Have you ever made any such appli
to the Five Civilized Tribes und
June 10, 1896? A No sir.
Q Do you come before the Commissio
and these children as Mississipp
Q Do you claim under article fourt
A I dont understa d it.
Q Dont you know about that or not?
Q Do you know what a treaty is? A
or not.
Q What is an agreement now? A I c
Q Now if you agree to do a certain
agrees to do a certain thing tha
that's an agreement.
Q Sometimes you put things in writ
and he signs his name; that's an
ifnthe parties who make these ag
instead of individuals then it's

In 1830 a treaty was made betwee
ment and the Choctaw Indians as
Mississippi called Dancing Rabbi
of September of that year 1830;
wanted to make this treaty was
Choctaw Indians to remove from
was east of the Mississippi riv
Indian Territory; before the tr
known that a good many Choctaw
Choctaw Nation Indian Territory
the treaty and in order to prot
Indians who stayed back in the
fourteen was put into the treat
is one of its sections or sub-d
as follows:

"Each Choctaw head of a family
and become a citizen of the sta
so by signifying his intention
from the ratification of this t
thereupon be entitled to a rese
six hundred and forty acres of
sectional lines of survey; in l
to one half that quantity fo r
is living with him over ten ye
to such child asmay be under te
location of the parent; if they
tending to become citizens of
after the ratification of this
in fee simple shall issue; said

the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are notmto be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors compliedor attempted to comply with article fourteen of that treaty?
A No sir.
Q What is the name of your ancestor that you claim your Choctaw blood through now? A Grandmother.
Q What was her name? A Mariah Swinny.
Q Was this your father's mother? A Yes, sir.
Q Was she a slave at any time? A Yes, sir.
Q How much Choctaw blood did she have? A One half.
Q Now how do you know she had one half? A That's what I've been told.
Q Who told you? A My mother.
Q Did she ever live in Missi ssippi? A No, sir.
Q How do you know she didn't? A I heardthem say she didn't.
Q Didn't any of your Choctaw ancestors live in the state of Mississi ppi? A Not as I know of. They tell me they lived in Alabama.
Q Which of your Choctaw ancestorslived in Alabama?
A My grandmother.
Q Mariah Swinny? A Yes sir.
Q Where abouts in Alabama did she live? A In the old Choctaw Nation.
Q Did she live there in 1830 and have a family there then?
A I don't know sir.
Q How old would she be if living now? A Eighty years of age.
Q When the treaty of 1830 was made she would hardly have been old enough to have been married; do you know whether she got her Choctaw blood from her father or mother? A No sir.
Q One of them was a full blood Choctaw Indian if she was half Did you ever hear which one? A No sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A No sir.
Q Did any of your Choctaw ancestors go from that old Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today, for the purpose of making a permanent home in the Choctaw Nation Indian Territory ?
A No sir.
Q Did any of your Choctaw ancestors go to the United States Indian Agent Colonal Ward who had an office or agency in the state of Mississippi in 1831 and told him that they wantd to stay in Mississippi, take land there and become citizens of the states ? A No sir.
Q Did you ever heard of Colonel Ward?
A No sir.
Q He was the indian agent who lived in Mississippi in 1830 and 1831; never heard any of your ancestors went to him and tried to register under article fourteen of the treaty of 1830? A No sir.
Q Did any of them live on land in Mississippi or Alabama five years after the treaty of 1830 was ratified and at the end

of that time get a patent to the land from the government?
A No, sir.
Q Your parents couldn't very well own land; they were slaves at that time were they not? A Yes, sir.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were requiredif they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and register or attempt to register under that articcle fourteen of that treaty; a good many Indians did this whose names Colonel Ward forgot or neglected or refused to put upon his list known as Ward's register and because of his refusal or neglect to do this a good many Indians who had land in the old Choctaw Nation on which they had improvements had both their land and improvements taken from them by the government and sold; the complaints made by those Indians afterwards caused Congress to appoint two commissions one in 1837 and the other in 1842; these commissions went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any ofyour Choctaw ancestors went before either of these two commissions and claimed any benefits under that article of that treaty? A No, sir.
Q Did any of your Choctawancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No, sir.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government at its public land sales.

Q Do you speak or understand the Choctaw language? A No, sir.
Q Have you any relatives who have been before the Commission except your sister Texanna Pyle? A No sir.
Q Do you want to have your case and hers considered together?
A Yes sir.

The case of Texanna Pyle et al M.C.R. 6574 is here referred to for the purpose of consolidation.

Thirty days time is allowed this applicant in which to introduce othertestimony.

Examination by A.S.McRea Attorney for applicant.

Mrs. Dubose You dont know nor have you ever heard whether or not your grandmother was a slave at the time of the treaty of 1830? A No, sir.
Q Do you know whether she was ever a slave , only from hearsay - you don't do you? A No, sir.

This applicant has the appearance and physical characteris-

tics of being descended from mixed ancestry; she claims Negro, White and Indian blood; the Negro predominates; her parents were slaves at one time; she has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article four teen of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of January 1903 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 23rd day of January 1903.

W. S. Boren
Notary Public.

M C R 6576
M C R 6575
M C R 6574

Muskogee, Indian Territory, September 16, 1903.

Kizzie Love,

Rice, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 3rd instant, wherein you ask the status of the Mississippi Choctaw cases of Nola Hamilton, et al., Texanna Pyle, et al. and Martha DuBose, et al.

In reply you are informed that it appears from our records that on January 3, 1903, you made application to this Commission for the identification of your two minor children, Nola and Willie Hamilton, as Mississippi Choctaws.

Also on the same date Texanna Pyle and Martha DuBose made application for the identification of themselves and minor children as Mississippi Choctaws.

The Commission has not up to the present time rendered any decision relative to the rights of the above mentioned applicants to such identification. As soon as a decision is rendered they will be duly notified thereof.

Respectfully,

Chairman.

M.C.R. 6575

Muskogee, Indian Territory, May 12, 1904.

Mrtha Du Bose,

Rice, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Texanna Pyle et al., including you and your two minor children, Robert Du Bose and Viola Du Bose.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman.

Registered.

M.C.R. 6575

Muskogee, Indian Territory August 1, 1904.

Martha Du Bose,

Rice Texas,

Dear Madam:

You are hereby notified that on the 22nd day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Texanna Pyle et al., of which decision you were advised by registered mail on the 12th day of May, 1904.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

6575

No. R. 1577

For Identification as a Mississippi Choctaw.

Dec. JAN 3 - 1903

Name Martha Du Bose

Age 22 Blood 1/16

Post Office. Rice, Texas.

Father Anderson Hamilton } d

Mother Kizzie Love. } l.

Claims through father 1/8

Husband

M. Du Bose, w d l in

No claim for husband.

Children:

Robert Du Bose 7

Viola " 5

Claims for self and 2 minors

Stenographer Chas Mitchell Wood

Martha Del Bo

RECORDED

RECORDED IN THE DEPARTMENT

MAR 23 1904

SECRETARY OF THE INTERIOR.

ACTING ASSISTANT.

Choctaw MCR 6576

Nola Hamilton

MCR 6576

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 3, 1903

In the matter of the application of Kizzie Love for the identification of her two minor children Nola and Willie Hamilton as Mississippi Choctaws.

A.S.McRea Attorney for applicant.

Kizzie Love being first duly sworn testified as follows:

Examination by theCommission:

Q What is your name? A My name is Kizzie Love.
Q You don't claim any Choctaw blood, do you? A No, sir.
Q What is your age? A Forty seven.
Q What is your post office address? A Rice.
Q Texas? A Yes, sir.
Q How long have you lived in Rice? A About thirty two years near Rice.
Q Were you born in Texas? Yes sir.
Q You dont claim any Choctaw blood do you? A No, sir.
Q Yours is colored and white? A Yes, sir.
Q Do you want to make application for your minor children?
A Yes, sir.
Q What is the name of the oldest child? A Nola Hamilton.
Q How old is Nola? A Eighteen.
Q What is the name of the next one? A Willie Hamilton. Sixteen
Q A boy? A Yes, sir.
Q What is the name of the father of Nola Hamilton and Willie?
A Anderson Hamilton.
Q Are these children living with you at your home? A Yes, sir
Q Is Anderson Hamilton living? A No, sir.
Q And you are the mother of these children? A Yes, sir.
Q What was Anderson Hamilton's blood? A His father was Negro
Q And his mother was what ? A Part Indian; halfIndian
Q How much Choctaw blood do you claim for these children? A One eighth.
Q Alexander Hamilton had what ? A One fourth.
Q These children are living with you at Rice are they?
A Yes, sir.
Q Do you know whether their names are on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No, sir, they are not on the roll.
Q Was their father ever recognized or enrolled as a member of the Choctaw tribe of Indians? A No, sir.
Q Has application ever been made for either of these children to the Choctaw tribal authorities in the Indian Territory?
A No, sir.
Q Has application for citizenship in the Choctaw Nation ever been made for these children to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Do you come before the Commission at this time to identify these two children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A yes, sir.

Q Do you understand article fourteen of the treaty of 1830?
A No, sir, I don't understand it.
Q Do you know what a treaty is? A I think I do; I don't know as I do.
Q It's a contract between nations and it's in writing.

Such a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that years, 1830; the object of the treaty was to remove as far as possible all the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians underthe treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830; the treaty was then signed and later on became ratified; it is as follows

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of the ancestor of these children through whom you claim their right to be identified as Mississippi Choctaws? A Mariah Swinny.
Q What relation was Mariah Swinny to these two children?
A Grandmother.
Q Grandmother or great grandmother? A Grandmother.
Q Did she live in Alabama or in Mississippi in the old Choctaw Nation? A Alabama.
Q Did she live there in 1830? A I cant tell you; she was brought away from there when she was quite a girl - a young lady.
Q You never lived in Mississippi or Alabama did you? A No, sir.
Q You never lived in Alabama? A No, sir.
Q You lived in Texas? A Yes, she was brought to Texas.
Q Was she taken there by her master? A By her master who was an Indian; he brought her there as a slave but he was an Indian.
Q You were born in Texas? A Yes, sir.
Q

Q Well were you born where her Indian master was living then?
A I cant tell you; I was only instructed by her young master; this Indian master sold her to my husband's old master; the man that owned her had bought her from the Indian - this man Hamilton.
Q Did Mariah Swinny or any other Choctaw ancestor of your two minor children go to Colonel Ward the Indian agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi and take land there and become citizens of the states? A I don't know sir.
Q Did any of the Choctaw ancestors of these children live on land in Mississippi or Alabama in the old Choctaw Nation five years and at the end of that time did they get a patent or deed of that land from the government? A No, sir.
Q Did any of them claim any land under article fourteen of the treaty of 1830 in that old Choctaw Nation? A No, sir.
Q Did any of the Choctaw ancestors of these two minor children go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A Not that I know of.
Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between 1833 and 1838 at the expense of the government? A Not that I know of.
Q Did any of them own improvements upon land in the old Choctaw Nation in 1830? A Not that I know of.
Q How old would Mariah Swinny be if living now? A Eighty years old.
Q She wasn't married then when the treaty of 1830 was made?
A I don't know sir.
Q Couldn't have been; she was only a little girl eight years old; she was too young? A Yes sir I reckon so.
Q Do you know whether she claimed through her father or mother? A Claimed it through her father.
Q Then he was a whole Choctaw Indian was he? Yes; that's the way I was told.
Q What was his name? A. Aleck Esau; she was brought to Texas by Samuel Mayfield, a full blood Indian.
Q But Mariah Swinny's father was Aleck Esau? A Yes, sir.
Q And how much Choctaw blood did he have? A Claimed to be a full blood.
Q Your daughter Texanna Pyle and your daughter Martha Du Bose both stated that they claimed their blod from Mariah Swinny but that they didn't know from which parent Mariah got her Choctaw blood; but you know it was her father Esau.
A Yes sir.
Q And Aleck's wife had no Choctaw blood did she. Mariah got her Choctaw blood from Aleck Esau but hermother didn't have any? A I don't know about that; it was only given to me from her father.
Q Now was Aleck a slave at any time? A I don't think he was; he didn't come with her; she was stolen from the family and brought away by this other Indian; that was my understanding; she was stolen and brought there as a slave.
Q Didyou understand that Mariah Swinny was stolen from her

father Aleck Esau? A Yes sir that was her father.
Q Was Aleck Esau her father and her owner too? A No, sir, Aleck Mayfield was her owner.
Q Aleck Mayfield owned her in Alabama? A I was told he stole her and brought her and sold her to this man Hamilton.
Q Do you know if Aleck Esau the ancestor of your two minor children went to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and registered or attempted to register under article fourteen of that treaty? A I don't know.
Q Did he live on any land in the old Choctaw Nation either in Alabama or Mississippi five years and then get a patent or deed to that land under article fourteen of the treaty of 1830? A I don't know sir.
Q DidAleck Esau the great grandfather of your children claim any land at all in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830
A I dont know sir.
Q Did he go to Colonel Ward within six months after the ratification of the treaty of 1830 and tell him thathe wanted to stay in Mississippi take land there and become a citizen of the states? A I don't know sir.
Q You don't know whether Aleck Esau went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory for the purpose of making a home in the Choctaw Nation Indian territory? A No, sir I dont.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him that they desired to register under article fourteen of the treaty of 1830; now a good many Indians did this whosenames Colonel ward neglected or refused to put upon his list known as Wards register; becauseof his refusal to do this a good many Indians who had land in the old Choctaw Nation on which they hadimprovements had both their land and improvements taken from them by the government and sold at its public landsales; this caused a great many complaints among the Choctaw Indians so that in 1837 and also in 1842 by various acts of Congress commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of,1830.

Q Do you know whether any of the Choctaw ancestors of your minor children or of your other children Texanna Pyle and Martha Du Bose went before either of these two commissions and claimed any benefits under article fourteen of the treaty of 1830? A No sir.
Q Did you ever hear that Aleck Esau went? A No, sir.
Q DidMariah Swinny his daughter? A No sir, I never heard of it
Q Did Aleck Esau or his daughter Mariah Swinny or any other Choctaw ancestor of your minor children receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No, sir.

This scrip was issued under act of Congress approved August 23 1842 and was issued to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

Q Do these minors speak Choctaw? A No, sir.

Thirty days time is allowed this applicant in which to introduce other testimony.

Q Have you any evidence you want to present now? A No sir.
Q Does your daughter Nola Hamilton look like a Choctaw Indian and if so in what respect does she? A Yes, like that girl; her skin is light and her hair like that other girl's; she 's copper colored; black hair.
Q straight or curly? A It's tolerably straight; just about like that girl right there.
Q Describe the girl; don't keep saying she's like that girl.
A I was just making a parable between the two; the other two is copper colored.
Q Now give me the color and general physical appearance of Willie? A He's copper colored too.
Q Is he a pretty bright copper or is he a rather dingy copper color? A He's about the same as the other; copper colored.
Q Eyes are blue? A No, sir.
Q What are the color of his eyes? Black.
Q Hair is curly? A No, sir straight.
Q Black? A Yes, sir.
Q You would know they were negroes anywhere would you?
A Yes, sir.

Examination by attorney:

Q Does the other two children show any strain of Indian blood?
A Yes, sir, just like that girl; copper colored.

---O---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 23rd day of January 1903.

W. D. Barnes
Notary Public.

M C R 6576
M C R 6575
M C R 6574

Muskogee, Indian Territory, September 16, 1903.

Kizzie Love,

Rice, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 3rd instant, wherein you ask the status of the Mississippi Choctaw cases of Nola Hamilton, et al., Texanna Pyle, et al. and Martha DuBose, et al.

In reply you are informed that it appears from our records that on January 3, 1903, you made application to this Commission for the identification of your two minor children, Nola and Willie Hamilton, as Mississippi Choctaws.

Also on the same date Texanna Pyle and Martha DuBose made application for the identification of themselves and minor children as Mississippi Choctaws.

The Commission has not up to the present time rendered any decision relative to the rights of the above mentioned applicants to such identification. As soon as a decision is rendered they will be duly notified thereof.

Respectfully,

Chairman.

M.C.R. 6576

C

Muskogee, Indian Territory, May 12, 1904.

Nola Hamilton,

Rice, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Texanna Pyle et al., including you and your brother, Willie Hamilton.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be transmitted to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIG)

Chairman.

Registered.

M.C.R. 6576

Muskogee, Indian Territory, August 1, 1904.

Nola Hamilton,

Rice, Texas,

Dear Madam:

You are hereby notified that on the 22nd day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Texanna Pyle et al., of which decision you were advised by registered mail on the 12th day of May, 1904.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

6576 No. 74

For Identification as a Mississippi Choctaw.

JAN 3 - 1903

Date

Name Kizzie Lowe for 2 minrs

Age 47 Blood neg. & white

Post Office. Rice, Tex

Father Anderson Hamilton, 1/4 d of chickasaw

Mother Kizzie Lowe,

Claims through father (1/4)

Children

Nola Hamilton (1/8) 18

Willie " " (1/8) 16

Claims for 2 minors

Stenographer Clara Mitchell Woods

Viola Hamilton et a

REFUSED.

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANT.

MAY 21 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.
JUL 2 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT [illegible] TO CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED [illegible] APPLICANT

RETURN TO M. C. R

Choctaw MCR 6577
Morris Washington

Jacket Missing

MCR 6577

REFUSED.

MISSISSIPPI CHOCTAW INDIANS.

COUNTY: Creek Nation

POST-OFFICE: Muskogee - I. T.

CARD No.

FIELD No R. 6577

Dawes' Roll No	NAME	Relationship to person first named	AGE	SEX	BLOOD	TRIBAL ENROLLMENT Year	TRIBAL ENROLLMENT No	TRIBAL ENROLLMENT OF PARENTS. Name of Father	Year	Name of Mother	Year
	1 Washington Morris		52	M	1/2			Louis Bennett	Dead	Choctaw Bitsy Bennett	Dead Full Blood
	2 " Rebecca	Dau	17	F	1/4			No. 1	Claims Dead	Nellie Washington	"
	3 " Arie	Son	15	M	1/4			No. 1	"	"	"
	4 " Mattie	Dau	13	F	1/4			No. 1	"	"	"
	5 " Hosea	Son	12	M	1/4			No. 1	"	"	"
	6 " Ima	Son	10	M	1/4			No. 1	"	"	"
	7 " Sammy	Son	8	M	1/4			No. 1	"	"	"
	8 " Jonas	Son	6	M	1/4			No. 1	"	"	"
	9 " Beatrice	Dau	4	F	1/4			No. 1	"	"	"
	10										

REJECTED

DECISION RENDERED AUG 1 1903

REFER TO M. C. R. 6582. 6583. 6584.

NOTICE OF DECISION FORWARDED APPLICANT AUG 1 1903

[illegible] ATTORNEYS AUG 1 1903

RECORD FORWARDED DEPARTMENT AUG 17 1903

See testimony of June 5. 1903.

THE APPLICATION OF THE SEVERAL PERSONS HEREIN FOR IDENTIFICATION AS MISSISSIPPI CHOCTAWS REFUSED IN THE DECISION IN THE CASE OF Morris Washington Dead No 6577 FORWARDED THE SECRETARY OF THE INTERIOR AUG 17 1903.

ACTION APPROVED BY SECRETARY OF INTERIOR APR -9 1904

NOTICE OF DEPARTMENTAL ACTION TO APPLICANT. APR 13 1904

NOTICE OF DEPARTMENTAL ACTION TO ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS APR 13 1904

JAN 5 1903

Choctaw MCR 6578

Sarah E. Wilson

MCR 6578

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 6, 1903.

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In the matter of the application of Sarah E. Wilson for identification as a Mississippi Choctaw.

Sarah F. Wilson, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Sarah E. Wilson.
Q What is your age? A I will be sixty two the last day of this month.
Q Sixty one now? A Yes, sir.
Q What is your post office address? A This place.
Q Muskogee, Indian Territory? A Yes, sir.
Q When did you come to Muskogee? A Well, I don't remember; I come a week ago yesterday.
Q Where did you live before that? A I lived in Minafee County Kentucky.
Q Have you always lived in Kentucky all your life until you came to Muskogee? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No sir.
Q What was your father's name? A C.M.Hanks.
Q What was your mother's name? A Millie Ann.
Q How much Choctawblood do you claim? A One fourth?
A You claim your father was one half? A Yes sir.
Q You claim through your father? A Yes, sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your husband living? A Yes sir.
What is his name? A John W. Wilson.
Q What is his nationality; he's a white man? A Yes, sir.
Q Do you make any claim for him? A No, sir.
Q Have you any children you want to make application under twenty one years of age and unmarried? A No, sir.
Q Claim for yourself alone? A Yes, sir for myself.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
Q You are not enrolled are you? A No, sir.
Q You never lived in the Indian Territory did you? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, sir.
Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896. A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?

A Yes, sir.
Q You never heard that article read andexplained? A No, sir.
Q You don't understand it? A Don't understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; on the 27th day of September 1830; the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect those Indians and their rights article fourteen was put into the treaty of 1830; that is the article under which you claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him overten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become a citizen of the states for five yearsafter the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q How do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A My great grandfather, I suppose did.
Q What was his name? A John Harper.
Q Was he a full blood? A Yes, sir.
Q Did his wife have any Choctaw blood? A They were said to be both Indians.
Q Full blood? A Yes, sir.
Q What was her name? A I don't know her given name.
Q Did they live in Mississippi or Alabama at any time? A I do not know.
Q Didyou ever hear that either of them or both of them lived in the old Choctaw Nation in 1830 and were the heads of a family there then? A No sir I never heard.
Q DidJohn Harper or any other Choctaw ancestor of yours go to Colonel Ward within six months after the treaty of 1830 was ratified and tell him they wanted to stay in Mississippi, take land and become citizens of the states? A I've been informed; I dont' know a thing about it; that's my understanding.
Q Where did John Harper live? A He lived in Kentucky.
Q Never lived in Mississippi? A I don't know about that; that was where he lived according to my history and all I know about him.
Q Do you know where he died? A No, sir I don't.
Q Did he or any ancestor of yours own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of1830, live upon that land five years and after that

receive a patent from the government? A I do not know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.
Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation Indian Territory? A I don't know.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

The Indians who lived in the old Choctaw Nation east of the Mississippi river refusing to go to the Choctaw Nation Indian Territory under the treaty, were required if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty and register under article fourteen of the treaty; a good many Indians did this whose names Colonel Ward refused to put upon his register list and because of his refusal the Indians who remained in the old Choctaw Nation had their land taken from them by the government and sold; this caused so many complaints among the Choctaw Indians that in 1837 and also in 1842 by various acts of Congress commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits under article fourteen of the treaty of 1830? A I've been informed that John Harper did.
Q Do you know before which commission he went; do you know whether he got any land from either of these commission or any rights? A I do not.
Q Do you know whether he or any other ancestor of yours received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No, sir, I do not know.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their claims under article fourteen of the treaty of 1830 and also proved that their land which they occupied in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you speak or understand the Choctaw language? A No, sir.
Q Is Christopher C. Hanks a relative of yours? A Brother.
Q Do you want to have your case and his considered together? A Yes, sir.

The case of Christopher C. Hanks et al M.C. . 6508 is here referred to for the purpose of consolidation.

Q Do you also want to have the case of Jasper Chambers considered as the application of one who claims through the same common ancestor through whom you claim? A Yes, sir.
Q What relation is Jasper Chambers to you? A Cousin.

The case of Jasper Chambers M.C.R. 5670 is here referred to as the application of a relative claiming through the same common ancestor.

Thirty days time is allowed this applicant in which to introduce other testimony.

Q Have you an attorney? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; her hair which is now somewhat gray was formerly black; blue eyes; medium fair complection; does not understand the Choctaw language and has little knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 6th day of January 1903 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 23rd day of January 1903.

W. L. Boren
Notary Public.

M.C.R.6578.

Muskogee, Indian Territory, November 5, 1903.

Sarah A. Wilson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6578

Muskogee, Indian territory, March 17, 1904.

Sarah E. Wilson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record will be transmitted, together with such argument and brief as may be submitted by the applicants and their attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R. 6578.

Muskogee, Indian Territory, June 26, 1905.

Sarah E. Wilson,

Muskogee, Indian Territory.

Dear Madam:-

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

No

For Identification as a Mississippi Choctaw.

Date JAN 6 - 1903

Name Sarah E. Wilson

Age 61 — Blood 1/4

Post Office. Muskogee. I.T.

Father: C. M. Hanks. d.

Mother: Millie Ann " d.

Claims through father 1/2.

Husband

John F. Wilson l.w.

No claim for husband —

Claim for self alone

Stenographer Chas Mitchell Wood

Sarah E. Wilson

DECISION RENDERED. MAR 4 1904

COPY OF DE... ATT... CHICKASAW NATIONS. ...W AND MAR 4 1904

NOTICE ... MAILED APPLICANT. MAR 17 ...

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION ...
SECRETARY ...

REFER TO M. C. R.

Choctaw MCR 6579

Grant Spradling

MCR 6579

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 6, 1903.

In the matter of the application of Grant Spradling for the identification of himself and his four minor children, Emma Florence, Grace Jane, Sarah E. and Wilbur R. Spradling as Mississippi Choctaws.

T. Heard, Attorney for applicant:

Grant Spradling being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Grant Spradling.
Q What is your age? A Thirty three.
Q What is your post office address? A At the present it's Muskogee.
Q Indian Territory? A Yes, sir.
Q How long have you lived in Muskogee, A I came here yesterday was a week ago.
Q Where did you come from ? A I came from Glencairn Kentucky; the post office is in Powell County. But I really live in Wolfe.
Q How long have you lived in Kentucky? A All my life.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.

Q What was your father's name? Harvey D. Spradling.
Q What isyour mother's name? A Sarah E. Wilson.
Q She has just made application to be identified as a Mississippi Choctaw has she? A Yes, sir.
Q You claim through your mother then do you? A Yes, sir.
Q How much Choctaw blood do you claim? A I claim an eighth.
Q Do you claim that your mother has one fourth Choctaw blood?
A Yes, sir; that's what I've been informed.
Q You heard her made the statement today did you? A Yessir, and I've heardit all my life.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No, sir.
Q Are you married? A yes, sir.
Q What is your wife's name? A Martha E.
Q Living and white is she? A Yes, sir; she's known as white; she has Cherokee blood.
Q You don't make any claim for her as a Choctaw? A No sir, not as a Choctaw.
Q Have you children under age and unmarried you want to make application for? A Yes, sir I have four.
Q What is the name of the oldest? A Emma Florence.
Q How old is she? A Twelve.
Q The next? A Grace Jane.
Q How old? A Eight I believe.
Q The next? A Sarah E.
Q How old? A Seven.
Q The next? A Wilbur R.

Q How old? A Four.
Q You claim for yourself and these children? Yes, sir.
Q IsMartha E. Spradling your wife the mother of these four children? A Yes, sir.
Q Are you and your wife living together now at your home and are these children living with you? Yes, sir.
Q Have you the proof of your marriage with you now? A No, sir, I haven't it with me; I had it out here with me and the clerk failed to place the county seal and I had to return it to him; it's my intention to furnish it.
Q When were you married to you wife? A August 22, 1889.
Q By a minister under a license? A Well I think hewas probably a county clerk or something. Well he was a minister too.
Q Where were you married, in what place? A We was marriedin Morgan County; the post office would have been Hazel Green.
Q In Kentucky? A Yes, sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in theIndian Territory? No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896 for your self and children? A No, sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No, sir.
Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830.
A Well I suppose that's the article I claim under?.

The treaty of 1830 was made between the United States government and the Choctaw Indians in Mississippi at a place called Dancing Rabbit Creek in that State; the date of the treaty was the 27th day of September of1830.. The treaty was afterwards ratified on the 24th day of February 1831; the treaty was made because the government wished to remove all the Choctaw Indians from the old Nation east of the Mississippi river to the Choctaw Nation Indian Territory; this removal could not have been effected withouttheir consent which was obtained by the making of the treaty of 1830; quite a good many Indians however refused to go to the Choctaw Nation Indian Territory under the treaty andin order to protect the interests of those Indians who stayed back in the old Choctaw Nation, article fourteen was drafted and put into that treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation ofone section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location

of the parent; if they reside upon said lands intending to become citizensof the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the headof the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with any of the provisions of that article? A No sir, only I understand that John Harper sometime about 1831 - along there, went to Mississippi; whether he remained there or returned I don't know.
Q What relation was John Harper to you? A My great great grand father.
Q Was he a full blood Choctaw Indian? A Yes, sir.
Q Was his wife? A Yes, sir.
Q What was her name, do you know? A I don't know.
Q Did the live in Mississippi in 1830? A Well I understand he went there but whether he remained there or not I went state; of course I don't know.
Q You don't know whether he was living there in 1830 and had a family there then? A No sir I dont; I think they went to Montgomery County Kentucky.
Q You don't know whether he went to Mississippi with his family do you? A I think he just went there to claim his rights; if he had got them I suppose he would have stayed.
Q You dont know whether he stayedor not? A No sir.
Q You dont know anything about his whereabouts after 1830?
A Some said he died there and some said he went to make application and didn't get in; so I dont know; it's all guess work.
Q That part of your history is a little indefinite then?
A Yes, sir.
Q Do you know whether he or his wife or any other Choctaw ancestor of yours went to land and tried to register under article fourteen? A I suppose he did but whether he succeeded in registering I don't know.
Q Your understanding is that he went for that purpose?
A Yes sir that's my understanding; that's been handed down that way; I dont know; it looks like the records would show whether his name is on the roll or not.
Q You haven't examined the records? A No, sir, can I find out at this place.
Q Yes, you will have a right to examine the records in the possession of the Commission.
A These Chambers have been representing that his name was on the roll to us people back in Kentucky; I don't know.
Q Are you referring to the application made by Jasper Chambers and others? A Is it any benefit to us to claim with them; we all claim through the same ancestor.
Q You and Jasper Chambers claim through the same ancestor?
A Yes sir.
Q Well you can have your case and the case of the relatives of Jasper consolidated ifyou like or you can simply refer to it.
A Well I would like to refer to them because the ancestors are the same of course.

Reference is made to the application of Jasper Chambers et al M.C.R. 5670 at the request of the applicant.

Q And also would you like to refer to the application of Christopher C. Hanks? A Yes, sir.

Reference is also made to the case of Christopher C. Hanks N.T.R.6006.

Q Do you know if any of your Choctaw ancestors lived on land in Mississippi or Alabama for five years and at the end of that time got a deed from the government? A No, sir.
Q Do you know whether they claimed any land under article four teen of the treaty of 1830 in the old Choctaw Nation?
A No, sir.
Q Did they go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application? A Not to my knowledge.
Q But you yourself and your mother came a week ago to make a residence in the Indian Territory? A Yes, sir, it's just this way. I just came and aim to locate and see.
Q But you have not gone into the Choctaw Nation yet have you?
A No, sir.
Q Your residence now is Muskogee, in the Creek Nation? A Yes sir
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No, sir, not that I know of.
Q Do you know whether any of them went to the Choctaw Nation between 1835 and 1838 at the expense of the government?
A Well I dont know if Harper went at its expense; he went.
Q You don't know whether he went, do you? A No, sir. I was informed he went.
Q You have been informed he went from the old Choctaw Nation to the Choctaw Nation Indian territory? A No, no; he went from Kentucky to the old Choctaw Nation. No, I've never been infoumed he came from Mississippi to this Choctaw Nation.

In 1837 and also in 1842 under various acts of Congress commissions were appointed to hear the claims of Indians who stated that they had gone to Colonel Ward and had attempted to register under article fourteen of the treaty of 1830 but that he had refused to register their names under that article of that treaty, and because of his refusal, the land which they had occupied in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

Q Do you know if any of your ancestors went before either of these commissions and claimed any benefits under article fourteen of that treaty? A No, sir, I don't.
Q Didany of them receive any scrip which was issued under act of Congress approved August 23, 1842, andwhich authorized the holder of it to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them? A No.

Q Do you speak or understand the Chetaw language? A No sir.
Q Is there anything more you want to say in support of this application? A Nothing more than I would like thirty

days I guess; I want to find out whether Harper's name is on the roll.

Q Have you a lawyer? A Yes, sir Mr. Heard.

This applicant is allowed thirty days time in which to introduce other proof if he desires in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; nearly black; blue-gray eyes; dark complection; does not speak or understand the Choctaw language and his knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830 is based upon history and tradition.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 6th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 23rd day of January 1903.

W. A. Barnes

Notary Public.

M.C.R.6579.

Muskogee, Indian Territory, November 5, 1903.

S. Loard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Grant Spradling that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6579.

Muskogee, Indian Territory, November 5, 1903.

Grant Spradling,

Muskogee, Indian Territory.

Dear Sir :

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6579

Muskogee, Indian Territory, March 14, 1904.

Grant Spradling,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and your four minor children Emma F., Grace J., Sarah E. and Wilbur R. Spradling, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory, and S. Heard, Tishomingo, Indian Territory, and that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M. C. R. 6579.

Muskogee, Indian Territory, June 26, 1905.

Grant Spradling,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

No.

For Identification as a Mississippi Choctaw.

Date JAN 6 1903

Name Grant D. Spradling

Age 33 Blood 1/8

Post Office. Muskogee, I. T.

Father Harry R. Spradling, d

Mother Sarah E. Wilson, l.

Claims through mother 1/4

Wife.

Martha E. Spradling l. w

No claim for wife —

Children

Emma F.	"	12.
Grace J	"	8
Sarah E.	"	7
Wilbur R	"	4

Claims for self +

4 Minors

Stenographer Clara Mitchell Wood

Grant Stradling et

DECISION RENDERED MAR 1 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

REFER TO M. C. R. 26, 0

Choctaw MCR 6580

June J. Byrd

MCR 6580

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 6, 1903.

In the matter of the application of Junie J. Byrd for the identification of herself and her minor child Sarah L. Byrd as Mississippi Choctaws.

Junie J. Byrd being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Junie J. Byrd.
Q What is your age? A Twenty three.
Q What is your post office address? A Muskogee, Indian Territory.
Q How long have you lived in Muskogee? A I came here last Monday, was a week ago.
Q Before that did you live in Kentucky? A Yes, sir.
Q Did you always live in Kentucky before you came to Muskogee.
A No sir, I at one time lived in Wisconsin.
Q Where were you born? A In Kentucky. I was only away from Kentucky about four months.
Q Lived all your life in Kentucky until you came to Muskogee except about four months; in what year was it you went to Wisconsin? A 1900 I believe.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Harvey . Spradling.
Q What is your mother's name? A Sarah J. Wilson.
Q She made application today did she not? A Yes, sir.
Q You claim through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Do you claim your mother was one fourth? A Yes, sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian in the Indian Territory by any authority? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A John G. Byrd.
Q He's living is he? A Yes, sir.
Q What is his nationality? A White.
Q Do you make any claim for your husband? A No, sir.
Q What is the name of your children that you want to make application for? A Sarah E. Byrd.
Q How old is Sarah? A Four years old.
Q Is that the only child living? A Yes, sir.
Q You claim for yourself and child do you? A Yes sir.
Q Is your husband John G. Byrd the father of Sarah L. Byrd?
A Yes, sir.
Q Are you and your husband living together as husband and wife at his home and is this child living with you there?
A No sir.
Q You are not living with your husband? A No sir.
Q Have you got a divorce? A No sir; he just abandoned me and joined the navy.
Q He's in the navy is he? A Yes, sir.
Q The child is with you? A Yessir.
Q Is your name on any of the tribal rolls with this child, of the Choctaw Nation in the Indian Territory? A No, sir.

Q Have you ever made application for citizenship in th
Choctaw Nation to the Choctaw tribal authorities in
Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes
sion under act of Congressof June 10, 1896? A No si
Q Have you ever been admitted to citizenship in the Ch
Nation by the Choctaw tribal authorities the Commiss
the Five Civilized Tribes or theUnited States Court
the Indian Territory ? A No, sir.
Q Do you come before the commision to identify yourself
this child as Mississippi Choctaws? A Yes, sir.
Q Do you claim under article fourteen of the treaty of
A Yes, sir I suppose so.

The treaty of 1830 was made on the 27th day of Sept
that year between the United States government and t
Choctaw Indians at Dancing Rabbit Creek in the state
Mississippi for the purpose of removing the Choctaw
from that old Nation east of the Mississippi river t
Choctaw Nation Indian Territory; before the treaty w
signed it became known that a good many Choctaw Indi
not go to the Choctaw Nation Indian Territory with
other Indians under the treaty and for their protec
article fourteen was put into the treaty. It reads

"Each Choctaw head of a family being desirous to re
become a citizen of the states shall be permitted
by signifying his intention to the agent within six
from the ratification of this treaty and he or she
thereupon be entitled to a reservation ofone section
hundred and forty acres of land to be bounded by se
lines of survey; in like manner shall be entitled t
that quantity for each unmarried child which is liv
him over ten years of age and a quarter section to
as may be under ten years of age to adjoin the loca
the parent; if they reside upon said lands intendin
become citizens of the states for five years after
ratification of this treaty in that case a grant in
simple shall issue; said reservation shall include
present improvement of the headof the family or a p
it; persons who claim under this article shall not
privilege of a Choctaw citizen but if they ever re
not to be entitled to any portion of the Choctaw an

Q Do you know if any of your Choctaw ancestors compli
attempted to comply with article fourteen of the t
ofl830? A No, sir I don't.
Q What is the name of your ancestor through whom you
this claim? A John Harper my great great grandfath
Q And you claim through his wife? A I claim through
mother.
Q Do you make any claim through John Harper's wife? A
Q Your mother is Sarah E. Wilson is she not? A Yes s
Q And your brother Grant Bradling made application to
A Yes, sir.
Q You claim through the same ancestor through whom Ch
Columbus Hanks claims do you? A Yes, sir.

The case of Christopher Columbus Hanks is here refe
M.C.R.4508 for consolidation.

Q Now you and your brother Grant Spradling cla'm through your mother Sarah E. Wilson and she claims through your grandfather her father? A Her father.
Q Now his name was what? A C.W.Hanks.
Q He claimed through whom, his father or mother? A His mother.
Q What was her name? A Lydia Hanks.
Q What was her maiden name? A Harper. Lydia Harper.
Q Were John Harper and his wife her father and mother? A Yes sir.
Q Now did any of these ancestors that you have mentioned live in Mississippi or Alabama in 1830 and have a family there then?A No as I know of.
Q Where didJohn Harper live if you know at any time? A He lived in Kentucky I've been informed at one time .
Q Did he live in Mississippi, do you know? A Not as I know of.
Q You never heard that he lived in Mississippi and then went to Kentucky and then afterwards went back to Mississippi and registered in 1831? A No sir; I heard he went from Kentucky to Mississippi.
Q And registered under article fourteen ? A Yes sir I suppose that's what he went for.
Q Did he register under article fourteen of the treaty of 1830.
A I don't know.
Q But you heard that he went to Mississippi for that purpose?
A Yes, sir.
Q Did you ever heard what became of him after 1831? A Some sa, he came back to Kentucky and I've heard he never went so I don't know.
Q Do you know whether he or any Choctaw ancestor of yours lived on land in the old Choctaw Nation for five years and then got a deed or patent from the government for that land.
A No sir I didnot.
Q Didany of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830?
A I don't know .
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
Q Did any go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 at the expense of the government? A I don't Know.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

The Indianswho remained in the old Choctaw Nation were required to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty or within sixmonthsfrom the 24th day of February 1831 if they wanted to take advantage of article fourteen of that treaty; a great many Indians did so in whose names the agent Colonel Ward neglected to put upon his registry list now known as Wards register and because of his neglect to do this many Indians who had land in the old Choctaw Nation upon which they had improvements had both their land and improvements taken from them by the government and sold at its public land sales; this caused distress and many complaints among the Choctaw Indians in Mississippi and Alabama and as a result of the complaints in 1837 by act of Congress approved March 3rd of that year and also by act of Con gress approved

August 23 1842, commissions were appointed; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any benefits under that article of that treaty? A No, sir, I don't know

Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

Q Do you speak or understand the Choctaw language? A No, sir.

Q Why is this is allowed the applicant in which to introduce other evidence in support of this application.

Q Have you any evidence you want to present now? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; light brown hair blue eyes; med um fair complexion; she does not understand or speak the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 26th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

(Signed) Clara Mitchell Wood

Subscribed and sworn to before me this 24th day of January 1903.

John L. Sieber

Notary Public.

M.C.R.6580.

Muskogee, Indian Territory, November 5, 1903.

Jennie L. Byrd,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6580

Muskogee, Indian Territory, March 17, 1904.

Junie J. Byrd,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor child, Sarah L. Byrd, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record will be transmitted, together with such argument and brief as may be submitted by the applicants and their attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M. C. R. 6580.

Muskogee, Indian Territory, June 26, 1905.

Junie J. Byrd,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

No

For Identification as a Mississippi Choctaw.

Date JAN 6 - 1903

Name Junie J. Byrd

Age 23 - Blood 1/8

Post Office. Muskogee. I. T. -

Father, Harry E. Spradling, d

Mother Sarah E. Wilson, l

Claims Through Mother. 1/1

Husband.

John G. Byrd, l. w.

No claim for husband

Children.

Sarah L. Byrd, 1/

Claims for self & one minor

Stenographer Sara Mitchell Wood

Junie. [illegible]

DECISION RENDERED MAR 4 1904

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 17 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY SECRETARY OF INTERIOR

[illegible]

REFER TO M. C. R. 5670

Choctaw MCR 6581

Mary C. Carpenter

MCR 6581

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Mary C. Carpenter, et al., for identification as Mississippi Choctaws, M.C.R. 6581

List of papers forwarded to the Department with the record in the above application with the page occupied by each in said record.

	Page
Original application of Mary C. Carpenter, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Testimony of John W. Hudson taken in his application for identification as a Mississippi Choctaw, at Muskogee, Indian Territory April 26, 1902	6
Decision of the Commission refusing the application of Mary C. Carpenter et al., for identification as Mississippi Choctaws	12

#6581.

D E P A R T M E N T O F T H E I N T E R I O R,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory,
January 7, 1903.

In the matter of the application of MARY C. CARPENTER for the identification of herself and her minor child, LOLA GERTRUDE CARPENTER, as Mississippi Choctaws.

(N O A T T O R N E Y)

MARY C. CARPENTER being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Mary C. Carpenter.
Q What is your age? A 22 years.
Q What is your post office address? A Minden, Louisiana.
Q How long have you lived in Louisiana? A I have lived in Louisiana until I come out here.
Q When did you come to the territory? A Not very long ago.
Q Is your home in Minden, Louisiana? A It is in the territory; I was raised in Louisiana.
Q What is your post office address now? A Roberta, Indian Territory.
Q How long have you lived at Roberta? A I haven't been there long.
Q A week or a month? A Been there a week.
Q And when you came to Roberta did you come from Louisiana? A Yes sir.
Q And have you always lived in Louisiana until you went to Roberta? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John Wesley Hudson.
Q What is your mother's name? A Ida B. Hudson.
Q Through which one of your parents do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A I don't know sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities of the United States authorities in the Indian Territory? A Yes sir.
Q He never has been enrolled as a Choctaw Indian? A Yes sir.
Q Do you mean that he had been before the Commission here to be identified as a Mississippi Choctaw? A Yes sir; he was out here last year.
Q He came before this Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q Is that the only application he has ever made for citizenship to any authority? A Yes sir.
Q How long has he been living in the Indian Territory? A He just moved out.

Q He has been here but a week? A Yes sir.
Q Did he come from Louisiana? A Yes sir.
Q Do you know when and where your father and mother were married? A No sir.
Q Do you know if they were married by a minister under a license? A Yes sir.
Q Have you the proof of their marriage with you? A When he was up here he left it; thats mine that you have got there.
Q You are married are you? A Yes sir.
Q What is your husband's name? A Willie D. Carpenter;-- he's not living.
Q When did he die? A It has been three years this last December.
Q You have never married again? A No sir.
Q Was he a Choctaw Indian or was he a white man? A He had some Indian blood.
Q What kind do you know; what was his Indian blood? A I don't know sir.
Q You don't know whether it was Mississippi Choctaw blood or not? (No response)
Q You can't tell what kind of blood he had? A No sir.
Q Have you any children? A One.
Q What is the name of that child? A Lola Gertrude Carpenter.
Q How old is she? A Three years old.
Q Was your husband, Willie, the father of this child? A Yes sir.
Q Is the child living with you at your home now? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or this child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and this child as Mississippi Choctaws? A Yes sir.
Q Do you make that claim under article 14 of the treaty of 1830? A (No response)
Q Don't you understand that article of that treaty? A I dont understand it.

The treaty of 1830 was a treaty made between the United States government ad the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. A treaty is an agreement in writing made between two or more nations, and an article in a treaty is one of its sections or sub-divisions.

That article 14 is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A I dont know sir.
Q What is the name of your ancestor that you make this claim for identification as a Mississippi Choctaw through now? A (No response)
Q I mean go back and give me your ancestor's name.-- your grandfather or grandmother, or whoever it is you claim through? A The first is Eliza Miller.
Q What relation was she to you? A My great grandmother.
Q Was that her maiden name or her married name? A That was her maiden name; then it was Eliza Ann Edwards.
Q Whom did she marry? A She married William S. Edwards.
Q Was he a white man? A Yes sir.
Q How much Choctaw blood did Eliza Ann Edwards, nee Miller, have? A I dont know sir.
Q Do you know she was a part Choctaw Indian? A Yes sir.
Q Did she live in Mississippi at any time, or in Alabama? A I dont know sir.
Q You dont know whether or not she lived in Mississippi? A No sir.
Q Do you know where she lived at any time? A No sir.
Q Can you give me the name of any Choctaw ancestor who did live in Mississippi or Alabama in the old Choctaw Nation in 1830? A No sir, I don't know anything about it; my father knows; he has testified here.
Q You rely upon his testimony then, do you? A Yes sir.
Q His name is John W. Hudson? A Yes sir.
Q When did he make application to be identified as a Mississippi Choctaw? A Last April.
Q Do you know whether any of your Choctaw ancestors within six months after the treaty of 1830 was ratified went to the United States Indian Agent, Colonel Ward, and told him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A I dont know, sir.
Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation, which they held under article 14 of the treaty of 1830, for five years, and at the end of that time get a patent from the government for it? A I dont know, sir.
Q Did any of your Choctaw ancestors live in that old Choctaw Nation east of the Mississippi river in 1830 or 1831? A I dont know, sir.

Q And did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I dont know, sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you to day for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I dont know, sir.
Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know, sir.
Q Did any of them own any improvements on land in that old Choctaw Nation in 1830 or 1831? A I dont know, sir.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required,if they wanted to take advantage of article 14 of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register", and because of his neglect to do this a good many of these Indians who had land in the old Choctaw Nation upon which they had improvements had them taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 a commission was appointed by an act of Congress approved March 3rd of that year, and also in 1842 by an act approved August 23rd of that year another Commission was appointed. These commissions went to Mississippi, and heard claimants under article 14 of the treaty of 1830.

Q Do you know whether any of your Choctaw ancestors, Eliza Ann Edwards, or any other, went before either of these two Commissions and claimed any benefits under article 14 of that treaty? A I dont know, sir.
Q Do you know whether any of your Choctaw ancestors received any scrip from the government, which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I dont know, sir.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government.

Q Do you speak or understand the Choctaw language? A No sir.
Q Do you know how much Choctaw blood you have, whether one-half, one-quarter, one-eighth? (No response)
Q You are related to William J. Miller? A Yes sir.
Q What relation are you to Mr. Miller? A Third cousin.
Q Mr. Miller has been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.

The case of William J. Miller, et al., M. C. R. 934, is here referred to as the application of one claiming through the same common ancestor through whom this applicant makes her claim.

Q Did your father marry Ida V. Benton? A Burton.
Q The name in this list of family relatives is given as B-e-n-t-o-n, is it B-u-r-t-o-n? A Yes sir, it is B-u-r-t-o-n.

The application of John W. Hudson, et al., M. C. R. 5375, the father of this applicant, is here referred to in connection with this application.

Q What was the name of your father's father? A John Wesley Hudson, the same name as his.
Q Do you know the name of the woman he married? A He married Harriett Catherine Edwards.
Q Now, give me the name of your grandfather's father or mother? (No response)
Q Do you know who Susan Pitchlynn was? A No sir.
Q Did you ever hear of Phyllis Pitchlynn? A Yes sir.
Q What relation was she to you? A I dont know.
Q Was she an ancestor of yours;— is she the one you make this claim through now? A Yes sir.
Q Was Phyllis Pitchlynn her maiden name? A Yes sir.
Q What was the name of the man she married? A I dont know.
Q Would you know the name of the man Phyllis Pitchlynn married if I should read it to you? A Yes sir.
Q Was it William Ellis Miller? A Yes sir.
Q So Phyllis Pitchlynn married William Ellis Miller; do you know what relation she was to you? A No sir.
Q Was she your great grandmother, or great great grandmother, or cant youtell? (No response)
Q You dont remember? (No response)
Q Have you an attorney? A No sir.

30 days time is allowed this applicant in which to introduce other proof if she desires in support of this claim.

Q Is there any other evidence you want to present now? A No sir.
Q Have you any idea how much Choctaw blood you have? A No sir.
Q You think you have some all right? A Yes sir.
Q What makes you think you have any Choctaw blood? A Because my father said so.
Q How long have you known that you had Choctaw blood? A I dont know sir.
Q Always? A Yes sir.
Q Have you been taught that since you were a child? A Yes sir

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown hair; black eyes; dark complexion. She does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

Mary G Carpenter——6

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 7th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of January, 1903.

Charles H. Sawyer
Notary Public.

Use X

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Mary C. Carpenter, et al., for identification as Mississippi Choctaws, M.C.R. 6581.

----D E C I S I O N ----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mary C. Carpenter for herself and her minor child, Lola Gertrude Carpenter, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the ChoctawNation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Eliza Ann Edwards, nee Miller, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated.

A copy of the testimony taken in the application of the principal applicant's father is filed with and made a part of the record herein.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Eliza Ann Edwards, nee Miller, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Mary C. Carpenter and Lela Gertrude Carpenter as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed) Tams Bixby.
Acting Chairman

(Signed) T.B. Needles.
Commissioner

(Signed) C.R. Breckinridge.
Commissioner

Muskogee, Indian Territory
APR 27 1903

M.C.R.6581

Muskogee, Indian Territory, April 27, 1903.

Mary C. Carpenter,

Roberta, Indian Territory.

Dear Madam:

You are hereby advised that on the 27th day of April, 1903, the Commission to the Five Civilized Tribes rendered rendered a decision in the case of Mary C. Carpenter, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary C. Carpenter and Lola Gertrude Carpenter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Mary C. Carpenter, --2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Chairman.

Registered.

M.C.R. 6581

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary C. Carpenter, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary C. Carpenter and Lola Gertrude Carpenter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby

Chairman.

COPY

Muskogee, Indian Territory, May 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary C. Carpenter, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 27, 1903.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of William J. Miller, et al., decision in which was rendered by the Commission on January 22, 1903, and forwarded to the Department on February 7, 1903.

Respectfully,

(SIGNED).

T. B. Needles.

Through the
Commissioner of Indian Affairs.
2 Enc. M. C. R. 6581

MCR 6581

DEPARTMENT OF THE INTERIOR (Copy)
OFFICE OF INDIAN AFFAIRS
WASHINGTON November 3, 1904.

Land.
31591-1903.

113-445

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith, for Departmental action, the record in the matter of the application of Mary C. Carpenter et al., for identification as a Mississippi Choctaw Indian with the recommendation of this office therein.

The Commission on April 27, 1903, decided adversely to applicants.

Principal applicant, Mary C. Carpenter for her self and her minor child, Lola Gertrude Carpenter claim rights in the Choctaw lands under the provisions of Article 14 of the treaty of 1830 between the United States and the Choctaw Nation by reason of being a descendant of one Eliza Ann Edwards nee Miller, degree of blood not stated, who lived and died in Louisiana, (date not given) whose daughter, Harriet C. Hudson nee Miller, an alleged one sixteenth Choctaw Indian, who lived in Alabama and died in Louisiana about 1868, was the mother of John Wesley Hudson, an alleged one thirty second Choctaw blood Indian who is the father of principal applicant

Mary C. Carpenter. Applicants also attempt to trace descent from one Phillis Pitchlynn (degree of blood not known) who married William E. Miller and is said ("just hearsay") to have lived in Mississippi in 1830 but no definite information as to said ancestor could be given. The testimony of John W. Hudson (the father of principal applicant, herein) in his application to be identified as a Mississippi Choctaw Indian, is incorporated into the records of this case. As to the names, Eliza Ann Edwards, nee Miller, Phillis Pitchlynn afterwards Miller, and Harriet C. Hudson, nee Miller alleged ancestors of applicants, the records of this office fail to show that either of the aforesaid ancestors complied, or attempted to comply with the provisions of article 14 of the Treaty of 1830, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the Acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513). None of the aforesaid ancestors of applicants being shown to have been beneficiaries under the provisions of article 14 of the treaty of 1830, or under subsequent legislation relative thereto, it follows that applicants are not entitled to be identified as Mississippi Choctaw Indians claiming rights under the provisions of article 14 of the Treaty of Dancing Rabbit Creek, and I therefore recommend that the decision

of the Commission of April 27, 1903, denying to them the right to be identified as such be sustained.

Very Respectfully,

A. C. Tonner,
Acting Commissioner.

G.R.(W)

DEPARTMENT OF THE INTERIOR FHE

D.C. 45297-1904. WASHINGTON November 19, 1904.
I.T.D. 11270-1904.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

May 13, 1903, you transmitted the record in the matter of the application of Mary C. Carpenter, for the identification of herself and her minor child, Lola Gertrude Carpenter, as Mississippi Choctaws, including your decision of April 27, 1903, which was adverse to the applicants.

Reporting in the matter November 3, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 6581

COPY.

Muskogee, Indian Territory, November 30, 1904.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary C. Carpenter et al., of which decision you were advised by mail on the 27th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
M.C.R. 6581

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 30, 1904.

Mary C. Carpenter,

Roberta, Indian Territory.

Dear Madam:

You are hereby notified that on the 19th day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as Mississippi Choctaws of yourself, and minor child, Lola G. Carpenter included in the case of Mary C. Carpenter et al., of which decision you were advised by registered mail on the 27th day of April, 1903.

Respectfully,

Commissioner in Charge.

6581

No. 6581

For Identification as a Mississippi Choctaw.

Date JAN 7 - 1903

Name Mary C. Carpenter

Age 22 - Blood Choctaw Nation I.T.

Post Office. Roberta, Webster, La.

Father: John W. Hudson. C

Mother: Ada B. " C

Claims through Father —

Husband

Willie L. Carpenter d. W. & Ind'd.

Children.

Lola G. Carpenter, 3.

6 claims for self and one minor

Stenographer W.H. Mallen

DEPARTMENT OF T... NT...
...MMISSION TO THE FIVE ...VILIZED ...ES.
FILED
JAN - 1 1905
...RMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.



COMMISSION

FILED

JUL 1 1903

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



REGISTERED
APR 29 1903
MUSKOGEE, IND. TER.

Mary C. Carpenter,

Roberta, Indian Territory.

Choctaw MCR 6582

Tom Hickerson

MCR 6582

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 8, 1903.

In the matter of the application of Tom Hickerson for the identification of himself and his two minor children Biddy and Cidell Hickerson as Mississippi Choctaws.

Tom Hickerson, being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Tom Hickerson.
Q What is your age? A Twenty five.
Q What is your post office address? A Muskogee.
Q Indian Territory? A Yes, sir.
Q How long have you lived in Muskogee? A I've been here about two months.
Q Where did you live before you came to Muskogee, A Bastrop County Texas.
Q Where were you born? A Bastrop County.
Q Always lived in Texas did you until you came here? A Yes, sir
Q Isyour fatherliving? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Willis Hickerson.
Q What is your mother's name? A Martha Hickerson.
Q Is it the same Martha Hickerson who has been before the Commission to be identified as a Mississippi Choctaw?
A Yes, sir.

The case of Martha Hickerson et al., M.C.R. 5399 is here referred to as the application of the mother of this applicant, who makes her claim through the same common ancestor through whom this applicant claims.

Q Has your mother ever been recognizedor enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No, sir. She's been here.
Q She' s been before the Dawes Commission but she never tried to get enrolled by the Choctaw tribal authorities did she?
A I don't know sir.
Q You claim through your mother do you? A Yes, sir.
Q How much Choctaw blood do you claim? A I don't know sir.
Q When she made her application she claimed one half Choctaw blood; do you know whether she was one halfChoctaw Indian
n or not? A No more than what she says.
Q What does she say about it? A One half.
Q Do you get any Choctaw blood from anybody except your mother?
A My grandpa.
Q You don't get any from your father? A No, sir.
Q Your grandfather- you mean your mother's father? A Yes, sir.
Q Do you claim one fourth Choctaw blood; you would be one fourth if you are one half of your mother's blood? A Yes, sir.
Q You think one fourth is right? A Yes, sir one fourth would be right ? A Yes, sir.
Q What isyour wife's name? A Janie Hickerson.
Q

Q She's living is she? A Yes, sir.
Q What is her blood or nationality? A Negro.
Q You don't make any claim for her then? A No, sir.
Q Have you any children that you want to make application for under age and unmarried? A Two.
Q Both minors are they? A Yes, sir.
Q What is the name of the oldest? A Biddy Hickerspn.
Q What is the name of your other one? A Cidell.
Q Spell it? A C-i-d-e-l-l.
Q Is that a boy or girl? A Boy.
Q I suppose Biddy is a girl? A Yes, sir.
Q How old is she? A She's four years old.
Q How old is Cidell? A Two.
Q You claim for yourself and these two children do you?
A Yes, sir.
Q Is your wife Janie the mother of these two children? A Yes, sir.
Q Are you and she living together as husband and wife and are these children living with you both? A Yes, sir.
Q When were you married to her? A In 1897 I think?
Q What day of the months? A Why I don't know sir what day of the month.
Q Have you the proof of your marriage here with you?
A No sir; I can prove it personally, by people.
Q You haven't the witnesses here have you? A My brother is here present now.
Q You will be given reasonable time, not to exceed thirty days in which to introduce the proper evidence of your marriage to your wife and also for the introduction of any other proper testimony.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, sir not before.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and these two children as Mississippi Choctaws?
A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830?
A I don't know anything about that.
Q You don't understand that article do you? A No, sir.
Q Did you ever hear of the treaty of 1830? A No sir not that I know of.

That was a treaty which was sometimes called the treaty of Dancing Rabbit Creek because it was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi; this treaty was made on the 27th day of September of that year and was ratified on the 24th day of February 1831; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty with the other Indians and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation article fourteen was put into

the treaty; an article in a treaty is one of its subdivisions. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No, sir
Q Do you know what I mean by ancestor? A You are speaking of a person aint you.
Q An ancestor is a person but do you know what relation an ancestor would be to you? A No sir.
Q Do you know whether your mother or grandmother or grandfather would be ancestors? A I think it would; seems like it would.
Q An ancestor is your relative from whom you are lineally descended like your father or mother or grandfather or grandmother or great grandfather or great grandmother; now do you know of any such ancestor through whom you claim Choctaw blood who lived in Mississippi in 1830 and who was the head of a family there then; who do you make your claim through today; you claim through your mother Martha dont you? A Yes, sir.
Q Whom did she claim through, going back as far as you can?
A Her father.
Q What was his name? A Louis Bennett.
Q What was Louis Bennett's wife's name? A Betsy.
Q How much Choctaw blood did Louis Bennett have? A He was a full blood; my mother says; I dont know.
Q Betsy his wife was a slave was she? A I don't know sir.
Q It has been testified to by your mother that she was; do you know anything about it? A Well I guess she was.
Q Do you knoww whether Louis Bennett was a slave. A I don't know sir.
Q Your mother was Martha Bennett was she? A Yes sir her maiden name.
Q And married Willis Hickerson? A Yes, sir.
Q Was your mother a slave? A I don't know sir.
Q Did you ever hear her say whether she was or not? A I heard her talk about slavery a good deal.
Q What did she say about her having been or not, if you remember anything about it? A I don't remember much about it; I'm satisfied I've heard her talk about it.

Q What did she say when she talked about it, if you can remember anything at all, or i f you don't, say so..
A I heard her say she belonged to some white folks during slavery and was brought from one state to another.
Q An d was she freed during the war? A I guess so.
Q Do you know? A No, sir I dont know.
Q You remember tha t all people that were slaves were liberated by an act of emancipation during the war. Now do you know whether she was or not? A No sir I dont.
Q Was Willis Hickerson a slave? A I don't know sir.
Q Didn't you ever hear? A Yes, sir, he was a slave.
Q Now do you know whether Willis Hickerson had any Choctaw blood or not? A No, sir he never had any.
Q Did Willis Hickerson's wife andyour mother live in Mississippi at any time? A I don't know sir; I never heard them say.
Q Did you ever hear that any of your Choctaw ancestors lived in Mississippi? A I heardmy grandpa lived there.
Q Your grandfather Louis Bennett lived there? A Yes, sir.
Q Did you hear that Louis Bennett and his wife Betsy lived there in 1830 and had a family there then? That's seventy three years ago? A No, sir; I never heard they lived there at that time.
Q Do you know of any Choctaw ancestor of yours who went to the United States Indian agent Colonel Ward within six months after the ratification of the treaty and told him that they wanted to stay in Mississ ppi, t ake land and become a citizen of the states? A No, sir.
Q Did any Choctaw ancestor of yours live on land in Mississippi or Alabamawhich they held under article fourteen of the treaty of 1830 for five years and at the end of that time received a patent from the government for that land under article fourteen? A No, sir.
Q Did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in theChoc taw Nation Indian territory? A No, sir not as I know of.
Q Did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choc taw Nation west of the Mississippi river at any time between the years 1833 and 1838 with the other Indians? A No, sir not as I know of.
Q Did any of your Choctaw ancestors own any improvements on land in Mississ ppi or Alabama in 1830? A No sir not as I know of.

The Choctaw Indians who lived in that old Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation west of the Mississippi river with the other Indians under the treaty were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land and become citizens of the states; a good many Indians did this whose named Colonel Ward neglected to put upon his list known as Wards register and because of his neglect to do this those Indians lost the land which they had in the old Choctaw Nation; it was taken from them by the government and sold; this caused so many complaints among the Choctaw Indians that in 1837 as well as in 1842 by various acts of Congress, commissions were appointed which went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know if any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under that article of that treaty? A No, sir. Not as I know of.
Q Do you speak or understand the Choctaw language? A No sir.
Q Did any of your Choctaw ancestors receive any scrip from the government which scrip was issued under act of Congress approved August 23, 1842? A No, sir not as I know of.

This scrip was issued to Choctaw Indians who proved their rights under article fourteen and also proved that their land had been taken from them in the old Choctaw Nation and sold.

Q Have you any white blood at all? A No, sir.
Q You have no attorney have you? A No, sir.
Q Is there anything more you want to say now in support of this claim? A You spoke something about my marriage certificate didn't you?
Q Yes you will be allowed a little time in which to introduce the proof of your marriage.
A Do I have to get it? A
Q You can do as you like about it; I just simply give you the opportunity to get it if you want to; it would be well for you to introduce the proof of your marriage in order to support the application you make for these children.

This applicant has the appearance and physical characteristics of being descended from negro parentage; has black hair which is orinkly - the hair of a full blood negro, and in the opinion of the Commission he is a full blood negro; he shows it in his appearance and in his manner; does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 24th day of January 1903.

John G. Fleming

Notary Public.

M.C.R. 6582

COPY.

Muskogee, Indian Territory, August 1, 1903.

Tom Hickerson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Morris Washington, et al., embracing the following applications for identification as Mississippi Choctaws:

Morris Washington, et al.	M.C.R. 6577
Tom Hickerson, et al.	M.C.R. 6582
Charley Hickerson	M.C.R. 6583
Willie Collins, et al.	M.C.R. 6584

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Morris Washington, Rebecca Washington, Arrie Washington, Mattie Washington, Hosea Washington, Ina Washington, Sammy Washington, Jonas Washington, Beatrice Washington, Tom Hickerson, Biddy Hickerson, Cideli Hickerson, Charley Hickerson, Willie Callins and Alama Callins as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

M.C.R.6582

Muskogee, Indian Territory, April 30, 1904.

Tom Nickerson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Morris Washington, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

Chairman.

6582

No

For Identification as a Mississippi Choctaw.

Date JAN 8 - 1903

Name Tom Nickerson.

Age 25, Blood, 1/4 ~~Negro~~

Post Office. Muskogee, I. T.

Father Willis Nickerson Negro. l.

Mother Martha " l.

Claims through Mother

Wife,

Jamie Nickerson, l. Neg.

No claim for wife.

Children:

Biddy Nickerson, F. 4

Cidell " M. 2

Claims for self and 2 minors

Stenographer Clara Mechem Woody

Tom Skidmore et al

REFUSED

DECISION REFUSED

Choctaw MCR 6583
Charley Hickerson

MCR 6583

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 8, 1903.

In the matter of the application of Charley Hickerson for identification as a Mississippi Choctaw.

Charley Hickerson being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Charley Hickerson.
Q What is your age? A Twenty three.
Q What is your post office address? A Muskogee.
Q Indian Territory? A Yes, sir.
Q How long have you lived in Muskogee.
A I've been in this town about two months.
Q Where did you live before that? A Texas.
Q Where in Texas? A Bastrop County.
Q Did you always live there until you came to Muskogee?
A Yes, sir.
Q Born in Texas? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Willis Hickerson.
Q What is your mother's name? A Martha Hickerson.
Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A One fourth.
Q How much did your mother claim? A One half.
Q How do you know you claim one fourth? A Because she always told us that her father was a Choctaw Indian; full blood; therefore that would make her half and I'm a quarter.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No, sir; no more than here at this house.
Q She has made application to be identified as a Mississippi Choctaw; is that what you mean? A Yes, sir.
Q Do you remember when she made that application? A Yes, sir I remember it, but not the date.

The records of the Commission show she appeared before this Commission April 29, 1902.

Q Do you think it's about that time? A Just about.
Q What was her post office address? A Liddege Texas.
Q Does she live there now? A No, sir.
Q Where does she live now? A In Muskogee.
Q Are you married? A No, sir.
Q You claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, sir.

made application for citizenship in the Choctaw
Dawes Commission under act of Congress of June
o, sir.
irst application is it for citizenship in the
A Yes, sir.
under article fourteen of the treaty of 1830?

be identified as a Mississippi Choctaw?

der what authority you claim? A Under my grand

or treaty? A I don't know sir what treaty

r my explanation of article fourteen of the
to your brother just a moment ago? A yes,

rstand it? A I understand it but I couldn't keep
nce because I don't know anything about it.
mber it well enought to know whether you claim
fourteen or not? (No answer)

1830 was made between the United States govern-
hoctaw Indians at a place in Mississippi called
Creek on the 27th day of September of that year
ct of the treaty was to remove the Choctaw In-
oldChoctaw Nation east of the Mississippi
hoctaw Nation Indian territory; before the
ned it became known that a good many Choctaw
refuse to go to the Choctaw Nation Indian
in order to protect the interests of those
ayed back in the old Nation article fourteen
he treaty of 1830; that article is as follows

head of a family being desirous to remain
itizen of the states shall be permitted to do
ng his intention to the agent within six
e ratification of this treaty and he or she
n be entitled to a reservation of one section
and forty acres ofland to be bounded by sec-
f survey; in like manner shall be entitled to
quantity for each unmarried child which is liv-
ver ten years of age and a quarter section to
may be under ten years of age to adjoin the
parent; if they reside upon said lands in-
ome citizens of the states for five years after
on of this treaty in that case a grant in
ll issue; said reservation shall include the
ement of the head of the family or a portion
who claim under this article shall not lose
of a Choctaw citizen but if they ever remove
entitled to any portion of the Choctaw annuity."

any of your Choctaw ancestors compliedor
omply with any of the provisions of this
? A I dont know.
me of your ancestor through whom you make
be identified as a Mississippi Choctaw?

is Louis Bennett to you? A Grandfather.
mother's father? A yes, sir.

Q What was his wife's name? A Betsy Bennett.
Q Did she have Choctaw blood? A No, sir.
Q How much did Louis Bennett have? A He was a full blood Choctaw so my mother always told us.
Q Did they live in Mississippi at any time? A She told us that they lived in Mississippi? A
Q In 1830? A She didn't say when.
Q Do you know if any of your Choctaw ancestors lived in Mississippi in 1830 and had a family there at that time?
A No more than Louis Bennett.
Q You don't know whether he lived there in 1830 do you?
A No, sir I dont know what year when it was.
Q Did he or any Choctaw ancestor of yours go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him that he or any of them wanted to stay in Missi sippi take land and become citizens of the states? A I don't knowsir.
Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830?
A I don't know sir.
Q Did any of them live on land five years in that old Choctaw Nation, and then get a patent from the government for it?
A I don't know sir.
Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty?
A I don't know sir.
Q Did any of them go to the Choctaw Nation Indian Territory from the old Nation east of the Mississippi river at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A I don't know sir.
Q Did you say your mother Martha Hickerson had now removed from Texas to the Indian Territory and located in Muskogee Indian Territory? A Yes, sir.
A Yes, sir.
Q Is that in order that she may assert rights as a Choctaw Indian? A I don't know sir.
Q Are you here to assert your rights as a Choctaw Indian? A Yes sir.
Q Why didn't you come to the Choctaw Nation? A Well I don't suppose it's any too late now; for one reason I came into this Indian Territory and when I first came here I stopped in the Choctaw Nation, going from place to place; I got here and been here a couple of months with my folks.
Q Do you expect to live in the Choctaw Nation or are you going to stay in the Creek Nation? A In the Choctaw Nation.
Q Are you going from here there? A I don't know sir whether I will or not.
Q Well as far as plans go now you are located here are you?
A Yes sir.
Q If any of you change your post office addressyou must let the Commission know.
Q Did any of your Choctaw ancestorsown any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830? A I don't know sir.

In 1837 as well as in 1842 commissions were appointed which Commissions went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830; these

commissions were appointed because of the complaints of Choctaw Indians who stated that they had gone to Colonel Ward within six months after the ratification of the treaty of 1830 and had attempted to register under article fourtee of that treaty but that Colonel Ward the United States Indian agent refused to allow them to register; because of his refusal those Indians lost their land in the old Choctaw Nation because it was taken from them by the government and sold at its public land sales; this caused the complaints that afterwards led Congress to appoint these two different Commissions one in 1837 and the other in 1842.

Q Do you know whether any of your Choctaw ancestors appeared before either of these two commissions and claimed any benefits under article fourteen of the treaty of 1830?
A Not as I know of.
Q Did any of them receive any scrip from the government which entitled them to select land to take the place of land which they had held in the old Choctaw Nation and which the government had taken from them and sold? A I don't know sir.
Q Do you speak the Choctaw language? A No, sir.
Q Did you ever associate with the Choctaw Indians? A No sir.
Q Could you know a Choctaw Indian if you saw one? A I believe I would.
Q How could you tell one from a Creek Indian. A Well I don't really know how but I believe if I were to see them by their personal appearance I could tell which was Choctaw and which was Creek.
Q You think that if you saw a Choctaw, Creek, Chickasaw and Cherokee together you could tell each one and the nationality of each one? A I don't know sir about so many of them.
Q Could you pick the Choctaw out of the bunch? A I believe I could.
Q Is there anything more you want to say now in support of this claim? A No, sir, I think not.

The case of the mother of this applicant, Martha Hickerson, et al M.C.D. 5399 is here referred to as the application of the mother of this claimant who claims through the same common ancestor.

This applicant has black hair; the hair is cropped close and is crinkly; has the features and general manner of a full blood negro; if he has any Indian blood or any Choctaw Indian blood the Commission is unable to determine it from his physical appearance; his mother made application before the Commission to be identified as a Mississippi Choctaw April 29 1902.

Q You don't speak Choctaw do you? A No sir.

He doesnot understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had

in the above entitled cause on the 6th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara M. Chadwood

Subscribed and sworn to before me this 24th day of January 1903.

John R. Fieber.

Notary Public.

WEST

M.C.R. 6583

COPY.

Muskogee, Indian Territory, August 1, 1903.

Charley Hickerson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Morris Washington, et al., embracing the following applications for identification as Mississippi Choctaws:

Morris Washington, et al.	M.C.R. 6577
Tom Hickerson, et al.	M.C.R. 6582
Charley Hickerson	M.C.R. 6583
Willie Callins, et al.	M.C.R. 6584

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."



Charley Hickerson, --2

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Morris Washington, Rebecca Washington, Arrie Washington, Mattie Washington, Hosea Washington, Ima Washington, Sammy Washington, Jonas Washington, Beatrice Washington, Tom Hickerson, Biddy Hickerson, Cidell Hickerson, Charley Hickerson, Willie Callins and Alama Callins as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time, the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

M.C.R.6583

Muskogee, Indian Territory, April 30, 1904.

Charley Nickerson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Morris Washington, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Very truly,

Chairman.

6583 No. 785.

For Identification as a Mississippi Choctaw.

Date JAN 8 - 1903

Name Charley Henderson

Age 23. Blood 1/4

Post Office. Muskogee. I. T.

Father. Willis Henderson. C.

Mother Martha " C.

Claims through Mother 1/2 mm

Children:

Claims for self alone

Stenographer Alice Mitchell Wood

Charley Hickerson

REFUSED

DECISION PREPARED

Choctaw MCR 6584

Willie Callms

MCR 6584

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 8, 1903.

In the matter of the application of Willie Ca llins for the identification of herself and her minor child Alama Callins as Mississippi Choctaws.

Willie Callins being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Willie Callins.
Q What is your age? A Eighteen.
Q What is your post office address? A Muskogee, Indian Territory.
Q How long have you lived in Muskogee? A A month.
Q Where did you live before that? A Texas; Elton texas.
Q Were you born in Texas? A Yes, sir.
Q And have always lived there until you came to the Indi an Territory? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Isyour mother living? A Yes, sir.
Q What is your father's name? A Willis Hickerson.
Q What is your mother's name? A Martha Hickerson.
Q Do you claim your Choctaw blood through your mother?
A Yes, sir.
Q How much Choctaw blood do you claim? A One fourth.
Q You claim your mother was one half Choctaw blood? A Yes, sir
Q Ha s she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory?
A I dont understand you.
Q Has she ever been recognized or enrolled as a Choctaw Indian by any authority; she never has been enrolled has she?
A No sir.
Q She has made application has she to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you remember the daye when she appared before the Commission to be identified? A No sir.

The caseof Martha Hickerson et al M.C.R. 5399 is here referred to as being the mother of this applicant, and one who claims through the same common ancestor.

Q Are you married? A Yes, sir.
Q What is your husband's name? A Frank Callins.
Q Is he living? A Yes, sir.
Q What is his blood or nationality? A Negro.
Q You dont make any claim for him then do you? A No sir.
Q Was your father a slave at any time? A Yes sir.
Q Was your mother? A Yes sir.
Q You have children you want to make application for under twenty one years of age and unmarried? A No, sir.
Q No children at all?
A I have one one year old.
Q That's unmarried then I presume? A Yes sir.
Q What's the name? A Alama Callins.
Q How old is Alama? A One year old.
Q That's all is it? A Yes sir.
Q You claim for yourself and this one child do you?
A Yes sir.
Q Is your husband Frank Callins the father of this child?

A Yes sir.
Q And this child is living with you at your home? A Yes, sir
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't understand you.
Q Are you enrolled as a Choctaw Indian in the Indian Territory. Do you know what an Indian is? A Yes, sir.
Q Are you enrolled as one? A I dont know exactly what you mean.
Q Are you put down on the Choctaw tribal rolls as an Indian by the Choctaw tribal authorities? A Yes, sir.
Q You are? What are you doing here then; you don't have to come here and make this application if your are enrolled.
A I don't understand you. I come here to be identified as a Mississippi Choctaw.
Q If you do you are not enrolled as an Indian yet are you?
A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, sir.
Q Have you ever made any suc application to the Dawes Commission under act of Congress of June 10, 1896? A No, sir
Q You never have been admitted then as a citizen of the Choctaw Nation by any authority? A No, sir.
Q Do you want to be identified now as a Mississippi Choctaw with your child? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830?
A What you say?
Q Didn't you hear what I said? A No, speak again so I can understand you.
Q Do you want to be identified now as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? Yes, sir.
Q Do you understand article fourteen of the treaty of 1830?
A No, sir.
Q Do you know what an article is? A No, sir.
Q Do you know what a treaty is? A No, sir.
Q Do you know what an ancestor is? A No, sir.
Q Do you know what the provisions of an article is? A No, sir.

The treaty of 1830 was made in Mississippi between the United States government and the Choctaw Indians at a place in that state called Dancing Rabbit Creek; it was made on the 27th day of September of that year; the object of the government in making the treaty with the Choctaw Indians was to get their consent to remove from the old Nation east of the Mississippi river to the Choctaw Nation Indian Territory.

Q Do you understand what I'm saying now? A Yes, sir.

Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian territory and in order to protect the interests of those Indians who stayed back in that old Choctaw Nation article fourteen was put into the treaty; an article in a treaty is one of its sections or subdivisions.

Q Do you know what an article in a treaty is? A No, sir.
Q I've told you what it was; didn't you hear me; do you know what a section is? A No, sir.

Q Do you know what a sub division is? A No, sir.
Q Do you know what a part of a thing is? A No, sir.
Q An article in a treaty is one of the parts of that treaty; you understand that, don't you? A No, sir I don't.
Q Do you know what an agreement is? A No, sir.
Q Do you know what a contract is? A No, sir.

Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with that article or not? A No, sir.
Q Do you know what an ancestor is? A No.
Q An ancestor is a relative or kin of yours from whom you are descended in a direct line as from father or mother or grand father or grandmother or further back in a direct line.
Q Now can you give me the name of any Choctaw ancestor of yours through whom you claim your right to be identified as a Mississippi Choctaw? A You're speaking of my grandfather?
Q Yes, if that's the one. A Louis Bennett.
Q What relation was he - grandfather? A Yes, sir.
Q How much Choctaw blood did he have? A Full blood.
Q How d you know that Louis Bennett was a full blood Indian?
A That's what my mother always taught me.
Q Did you ever hear it from anybody else except your mother?
A My grandmother.
Q She told you so? Yes, sir.
Q What was her name? A Betsy Bennett.
Q She had no Choctaw blood did she? A No, sir.
Q How did she know that Louis Bennett was a Choctaw Indian?
A She was married to him; she ought to know.
Q Was Betsy a slave at any time? A Yes, sir.
Q Was Louis, her husband? A I don't know sir.
Q Did you ever hear that Louis Bennett was a slave? A No, sir
Q Did they live in Mississippi at any time? A I don't know sir.
Q Can you give the name of any Choctaw ancestor of yours who did live in Mississippi or Alabama in the old Choctaw Nation? A No.
Q Did you hear that any ancestor of yours lived in that old Choctaw Nation? A No.
Q How do you know you are a descendant of a Mississippi Choctaw Indian then? A He come from there and he married in Tennessee.

Q Did he live in Mississippi? A Yes, sir.
Q A little while ago you said you didn't know of any ancestor who lived there; did Louis Bennett live in Mississippi at any time? A Yes, sir.
Q Did he live there in 1830 and have a family there then?
A I don't know sir what time he lived there.
Q Do you know whether Louis Bennett or any Choctaw ancestor of yours went to Colonel Ward within six month after the treaty of 1830 was ratified and claimed that he or they or any of them wanted to stay in Mississippi, take land and become a citizen of the states? A No, sir not that I know of.
Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama for five years after the treaty of 1830 was ratified and at the end of that time get a patent for that land from the government?
A I don't know.
Q Do you know if any Choctaw ancestor of yours claimed any land in the old Choctaw Nation under article fourteen of the treaty of 1830? I don't know.
Q Did any of them go from that old Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
Q Did any of your Choctaw ancestors go from that old Nation east of the Mississippi river to the Choctaw Nation India Territory at the expence of the government between 1833 and 1838? A I don't know.

In 1837 by act of Congress approved March 3rd of that year and in 1842 by act of Congress approved August 23rd of that year, commissions were appointed which went to Mississippi and heard claimants under article fourteen of that treaty. These commissions were appointed to hear those Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 within the time limited in that article but their names had been refused for registration by Colonel Ward the agent and because of his refusal those Indians had their land which they held in the old Choctaw Nation taken from them by the government and sold.

Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any land under article fourteen of that treaty? A No, none but my mother and brother and sister, is all I know..
Q You don't understand the question very well do you?
A No, sir I just explain it to you the way I understand it.
Q Do you know whether any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No.
Q You don't know what this scrip is do you? A No, sir

This scrip or these certificates were given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold; this scrip was issued under act of Congress approved August 23, 1842.

Q Do you speak the Choctaw language or understand it? A No.

This applicant has the appearance and general characteristics and the manner of a full blood negro; hair black and crinkly; her eyes are black; her nose is broad; her lips are thick; in the opinion of the Commission she is a full blood

Willie Callins

negress; if she has any Indian blood, the Commission is unable to see it. She does not understand or speak the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q Is Tom Hickerson your brother? A Yes, sir.
Q Full brother? A Yes, sir.
Q Charley Hickerson also? A Yes, sir.

These two brothers have appeared before the Commission to be identified as Mississippi Choctaws on this date and in their applications the description was given in a general way, the Commission stating that they looked like full blood negroes; the mother of this applicant Martha Hickerson appeared before the Commission in the month of April 1902 M.C.R. 5392; a description of the mother of this applicant is given in her application of that date.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 6th day of January 1903 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 26th day of January 1903.

John G. Fielder.

Notary Public.

4FS.

M.C.R. 6577.

COPY.

Muskogee, Indian Territory, August 1, 1903.

Willie Collins,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Morris Washington, et al., adjudicating the following applications for identification as Mississippi Choctaws:

Morris Washington, et al.	M.C.R. 6577
Tom Hickerson, et al.	M.C.R. 6582
Charley Hickerson	M.C.R. 6583
Willie Callins, et al.	M.C.R. 6584

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Morris Washington, Rebecca Washington, Arrie Washington, Mattie Washington Rosea Washington, Ima Washington, Sammy Washington, Jonas Washington, Beatrice Washington, Tom Hickerson, Biddy Hickerson, Cidell Hickerson, Charley Hickerson, Willie Callins and Alama Callins as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

M.C.R.6584

COPY.

Muskogee, Indian Territory, April 30, 1904.

Willie Collins,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 9th day of April,1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Morris Washington, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully, (SIGNED)

Tams Bixby

Chairman.

6584 No. 1

For Identification as a Mississippi Choctaw.

JAN 8 - 1903

Date

Name Willie Callins.

Age 18 - Blood 1/4

Post Office. Muskogee. I.T.

Father. Willis Nickerson. l.

Mother Martha " l.

Claims through Mother 1/2 -.

Husband

Frank Callins. l. neg.

No claim for husband

Children.

Alarna Callins. 1

Claim for 1 & 1 child

Stenographer Dora Michie Wood

Willie Collins et a

Choctaw MCR 6585

Homer DeGrate

MCR 6585

#6585.

D E P A R T M E N T O F T H E I N T E R I O R,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory,
January 9, 1903.

In the matter of the application of Homer DeGrate for the identification of himself and his nine minor children, Sallie, Anna Bell, Oscar, Foster, Eva, Louis, Judge, Bessie Raymond, and Elnora DeGrate, as Mississippi Choctaws.

(NO ATTORNEY)

Homer DeGrate being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Homer DeGrate.
Q What is your age? A 42.
Q What is your post office address? A Wagoner, Indian Territory.
Q How long have you lived in Wagoner? A About 2 months.
Q Where did you live before you lived in Wagoner? A In Texas.
Q Where were you born? A In Texas.
Q Where did you live most of the time in Texas? A McClellan County.
Q Is your father living? A Been dead 4 years.
Q Is your mother living? A Been dead a long time, about 27 years.
Q Both parents are dead? A Yes sir.
Q What was your father's name? A Fred DeGrate.
Q What was your mother's name? A Annie DeGrate.
Q Through which parent do you claim Choctaw blood? A I claim it by my father.
Q How much Choctaw blood do you claim? A I claim one-quarter.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know whether he has or not. Let me talk a little bit, Judge, a minute. Now, 'way back, been I suppose a hundred years, Bill Lang he stole, in slavery times, a Choctaw blood from the Injuns, and I reckon between 5 and 8 years after Injun Jack and Injun Jim they find out where they was, and claimed she was their sister; and he bought a negro man and she married him, and she was the mother of 3 boys and 5 girls, and Bill Lang then he died, and the children was divided, and his boys brought the children here to Texas in slavery, drove them here to Texas and worked them, Fred and Richard and Jerry DeGrate.
Q Your father never lived in the Indian Territory? A He lived in Mississippi.
Q But not in the Indian Territory? A No sir.

Q Are you married? A Yes sir, I am married.
Q Is your wife living? A Yes sir.
Q Is she a Negro woman? A No sir, a Choctaw.
Q A Mississippi Choctaw? A Yes sir.
Q Are you going to make any application for her? A She has done made her claim.
Q What is her name? A Rosie DeGrate.
Q You say Rosie DeGrate, your wife, has been before the Commission, and has made application to be identified as a Mississippi Choctaw? A Thats right.
Q About how long ago was that? A That has been,— let me see now,--- September, October,— November 18th.
Q 1903? A Yes sir.
Q Do you know whether she made application for her children at that time? A Yes sir, she made application for her children.
Q These same children that you mention now? A Yes sir, the same children.
Q They also have Choctaw blood through you? A Yes sir, and her too.
Q So you would like to make application for them also, claiming through you? A Yes sir.
Q Give me the name of the oldest? A All right, hold on a minute,— Sallie DeGrate.
Q How old is Sallie? A 20.
Q The next? A Annie DeGrate.
Q How old? A 18.
Q The next? A Oscar DeGrate.
Q How old? A 17.
Q The next? A Foster DeGrate.
Q How old? A 15.
Q The next? A Eva DeGrate.
Q How old? A 13.
Q The next? A Lewis.
Q Is that L-e-w-i-s or L-o-u-i-s? A L-e-w-i-s.
Q How old? A 11.
Q The next? A Judge DeGrate.
Q How old? A 9.
Q The next? A Raymond DeGrate.
Q How old? A 7.
Q The next? A Elnora DeGrate.
Q How old? A 5.
Q Thats the last, is it? A Thats the last of them.
Q You claim for yourself and these children? A Yes sir.
Q Now your wife made application November 18, 1903, M. C. R. 6399, for herself and her children? A Yes sir.
Q And she gave her name as R-o-s-a? A Yes sir.
Q You give it as R-o-s-i-e? A Yes sir.
Q Now, which way do you want it? A R-o-s-i-e I reckon; thats Rosie all right.
Q But that is not the way she gave it; which way do you want to give it now? A Yes sir, thats all right; she knows; the way she gave it.
Q Now she gave her first child's name as Sallie DeGrate? A Yes sir.
Q And she gave the second child as A-n-n-a Bell? A Yes sir, thats right.
Q You give it as A-n-n-i-e? A Yes sir, thats all right.
Q Which way do you want it? A Anna Bell is right.
Q You want to give it as Anna Bell? A Yes sir, thats all right.

Q The name she spells Lewis is L-o-u-i-s, and you spell it L-e-w-i-s? A L-e-w-i-s is all right, or L-o-u-i-s, only just so its Lewis.
Q Now, do you spell it L-o-u-i-s? A Yes sir, just like she spells it.
Q And you change it do you to L-o-u-i-s? A Yes sir.
Q She gives the name of a child here as Essie Raymond? A Yes sir.
Q You just gave Raymond; do you want the "Essie" added to it? A Yes sir.
Q Is that a boy? A Yes sir, thats a boy.
Q Is Rosa DeGrate the mother of these children? A Yes sir, every one of them, and I am the father of them.
Q Are you and your wife and these children living together at your home? A Yes sir, every one of them.
Q When were you married to your wife? A I married about 1881, I believe, I have been married 21 years.
Q Do you remember the day of the month? A About the 18th.
Q Of what month? A Of December.
Q By a minister under a license? A Yes sir, under a license.
Q Have you got the proof of your marriage with you now? A No sir, its in Texas.
Q Is your name, or are the names of any of these children, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir, this is my first application.
Q Did you ever make any such application to the Dawes Commission under the act of Congress of June 10, 1896? A Never have.
Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q The only application that was ever made for these children was made by your wife to identify them as Mississippi Choctaws, was it not? A Thats right.
Q Claiming through her? A Thats right.
Q You now make application for them claiming through you? A Yes sir; well, she's a Mississippi Choctaw and I am too.
Q Do you now want to identify yourself, and these children as claiming through you, as Mississippi Choctaws, under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article, or if not it will be explained to you? A Explain it to me, Judge.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830. The object of the treaty was to remove the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. An article in a treaty is one of its sections or sub-divisions. A treaty is an agreement made in writing be-

tween nations. Now, article 14 is as follows:

"ARTICLE XIV. Each Choctaw head of a family bein desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, that is article 14 of the treaty of 1830 under which you make your claim for yourself and children today; do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A No sir, Judge, that is too deep for me.
Q Can you give me the name of your ancestor through whom you make your claim today? A Grandmother, her name was Ailey, and I dont know what else only Lang, he give her the name of Ailey Lang, after he stole her and raised her up.
Q She was your father's mother? A Yes sir.
Q Was she a slave? A No sir, she was born free?
Q She was stolen and made a slave and was freed at the emancipation? A She died before emancipation.
Q What was your father's blood, was he negro? A He was a half breed Choctaw.
Q Part was Choctaw and part was black, negro blood? A Yes sir, thats right.
Q Was he a slave at any time? A Yes sir, he was a slave.
Q Was your mother a slave? A She was free born, but Lang he stole her and put her a slave in that way.
Q And I suppose you were born in slavery too? A Yes sir.
Q Was your father living at the time of the war? A Yes sir.
Q You and he were freed at that time? A Yes sir.
Q Now, was Ailey Lang the maiden name of your grandmother? A thats my grandmother's name; her married name was,-- now I tell you, Lang went by Bill Lang, and her husband went by Loderick Lang, and when peace was declared he went by the name of Loderick. DeGrate.
Q And during slaverysshe and her husband were slaves, and Lang was their master's name? A Thats right.
Q And when she and her husband were freed he took the name of DeGrate? A Yes sir, thats right.
Q What was the other name? A Loderick DeGrate.
Q Now, did she live in Mississippi, do you know? A Yes sir, my grandmother did.
Q How much Choctaw blood did she have? A She was called a full blood.

Q Do you know whether any of your Choctaw ancestors went to Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir, I don't.

Q Do you know if any of your Choctaw ancestors lived in the old Choctaw Nation in 1830 and had a family there then? A Well, I dont hardly know, there was Injun Jack and Injun Jim.

Q Who were they? A They claimed their sister what old Bill Lang stole.

Q Their sister was Ailey Lang then? A Yes sir; it was a long time before they find out what become of their sister, and she was near about grown when they find her.

Q Do you know Ailey Lang's father's name? A No sir.

Q Do you know her mother's name? A No sir, Bill Lang never did tell at all.

Q Did any of your Choctaw ancestors live on land in Mississippi or Alabama for five years and then get a patent from the government for the land? A Not as I knows of.

Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know sir.

Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838, or '40? A Well, Judge, I don't know; there was where Bill Lang stole her from; the Injuns had an Injun camp there, and he stole her,-----

Q They did not go themselves as far as you know? A No sir.

Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today, do you know? A No sir.

Q Your father and mother were both slaves, and you also? A Yes sir.

Q And also your grandmother, Ailey Lang? A Yes sir.

Q And was Loderick DeGrate also a slave? A Yes sir, he bought Loderick afterwards.

Q And of course they could not have owned land in Mississippi if they were in slavery? A I dont think they could.

Q Did they ever own any improvements on land there in that old Choctaw Nation in 1830? A I dont know.

In 1837 and also in 1842, by different acts of Congress, two commissions were appointed, which commissions went to Mississippi, and heard claimants under article 14 of the treaty of 1830. These commissions were appointed because a good many Indians claimed that they had gone to the United States Indian Agent and had attempted to register under article 14 of the treaty of 1830, but that the Agent had refused to allow them to register, and because of his refusal to allow them to register these Indians had the land which they occupied in the old Choctaw Nation taken from them and sold by the government at its public land sales.

Q Do you know whether any of your Choctaw ancestors, Ailey Lang, or any others, went before either of these commissions and tried to get any rights or privileges under article 14 of the treaty of 1830? A Not as I knows of, Judge.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not as I knows of.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government.

Q Do you speak or understand the Choctaw language? A No sir; my father could talk it.
Q Your father, Fred DeGrate? A Yes sir, and Ailey could talk it too.
Q Did you know Ailey? A No sir, I didn't.
Q Have you any other proof that you want to give the Commission at this time? A No sir.
Q You don't know of any witnesses? A Yes sir.
Q Do you want to bring them here? A I aimed to bring them here; they are in Texas, and one of them is 73 years old; and I did not have the money; one is a hundred and three years old.

You will be allowed 30 days time in which to introduce any other testimony which you desire in support of this case.

The case of Rosa DeGrate, et al., F. C. R. 6399, in which application was made for the same children for whom her husband, Homer DeGrate, this applicant, make application, is here referred to.

This applicant has the appearance and physical characteristics of being descended from African parentage; he claims one-quarter Choctaw blood; his father and mother, and himself also, were at one time slaves; he does not speak or understand the Choctaw language; although he claims his father and his grandmother understood it; he has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 9th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of January, 1903.

Charles N. Sawyer
Notary Public.

M C R 6585.
M C R 6626.
M C R 6627.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 24, 1903.

In the matter of the application of Homer DeGrate for the identification of himself and his nine minor children, Sallie, Anna Bell, Oscar, Foster, Eva, Louis, Judge, EasieR., and Elnora DeGrate, as Mississippi Choctaws, M. C. R. 6585.

In the matter of the application of Noah DeGrate for the identification of himself and his six minor children, Ardelia, Isabella, Namon, Farmer, Josie, and Eddie DeGrate, as Mississippi Choctaws, M. C.R. 6626.

In the matter of the application of Demps DeGrate for the identification of himself and his minor child, Jerry DeGrate, as Mississippi Choctaws, M. C. R. 6627.

ADDITIONAL TESTIMONY.

Henry Satchel being called as a witness in the above cases on behalf of applicants, after being duly sworn, testifies as follows:

Examination by the Commission.

Q What is your name? A Henry Satchel.
Q What is your age? A 78.
Q What is your post office address? A Downsville, Texas.
Q What is your nationality or blood? A I dont know,— I ain't testifying for myself,- I am just talking about them.
Q Well, tell me that? A My relation?
Q No, your color or nationality? A My old parents was called Boas(?) 'way back there.
Q Your parents were Negroes, were they not? A Yes sir.
Q You are a full blood Negro? A Yes sir, thats right.
Q And at one time you were a slave? A O Lord! yes, I wore slavery out mighty near.
Q Do you know Noah DeGrate, and Homer DeGrate? A Yes sir.
Q Do you know Demps DeGrate? A Yes sir, I raised them children from little kids; I nussed children a heap older than them.
Q These are all brothers? A Yes sir.
Q And you say you raised them? A Raised them everyone, I tell you.
Q How did that happen; that was in slavery times? A You know old marster would make the little one that was bigger than the baby nuss the baby, like you got nusses now; and we had to nuss

'em in the field so the old people could work.

Q You took care of them on the plantation? A Yes sir, I nussed them every one.

Q You were a slave at that time, and you all belonged to the same master? A Yes sir, old General Lang.

Q And he told you to take care of these small boys? A I had to nuss them from babies until they got so they could go to work.

Q How much older than Demps DeGrate are you? A Nearly 20 years.

Q What do you know about them being Choctaw Indians? A O, I just know by the old mammy,- the old grandmammy.

Q You knew her did you? A Yes sir, she raised me.

Q What was her name? A Ailey.

Q Ailey what? A She had this here old Loderick, and he got drowned, and she married old man Bailey.

Q It wasn't Bill Bailey was it? A No, just called him old Uncle Bailey.

Q Was Ailey a slave at that time? A Yes sir, old marster called her old Injun woman, and he stole her coming from South Carolina.

Q Stole her in South Carolina? A No sir, between here and there; you know they was like Injuns, playing in the road you know, and he just grab up that child, and throwed her in a wagon and tied a sheet down around her.

Q How do you know? A He done told me so hisself.

Q He told you so himself? A Yes sir, he just told me so hisself.

Q He said he stole Ailey? A He always said he stole her; and she was big enough to say he stole her.

Q How old was she at that time? A About a ten years old gal.

Q Was her hair curly? A No sir, her hair was straight as this man dar, mighty near.

Q Did she look like a darkey? A O, she was like,-- just like an old Injun.

Q Well, what you know about it is this: You heard your old master say he stole Ailey, and heard Ailey say she was stolen? A Yes sir.

Q That was long before you were born was it? A Yes sir, before I was borned.

Q And you are now over 80 are you? A Yes sir, just about 79 I believe.

Q If she was stolen that was before you were born? A Yes sir, I just heard himsay so, and her too; he said he stole her.

Q What do you know about the treaty of 1830, or the treaty of Dancing Rabbit Creek? A Not at all.

Q What do you know about article 14 of that treaty? A Not at all.

Q Was Ailey living in Mississippi, or where was she living when she was stolen? A Between Mississippi and South Carolina; he was traveling, you know, with his niggers.

Q How many niggers did he have? A About a hundred or two then; but you know he raised three or four hundred.

Q I should think some of those negroes would run away? A Yes sir, runaway, and do everything; old boss died not long ago; I reckon you have heard of him, old General Lang.

Q Uncle, what was a nigger worth in those days? A O shaw, some of them worth four hundred and some twenty hundred, some five hundred.

Q What was Ailey worth? A Ailey?

Q Yes, at the time she was stolen? A She,— I dont know what a girl that age was worth; you have to judge that yourself; I cant. Well, I tell you, in them days a man would give,— well a notable child they would sell him high, and a little, scrawny, no 'count little child they got for four or five hundred dollars.

Q Then he stole about five hundred dollars worth of property? A He stole about ten thousand dollars,— why you dont know the children that belongs to that family; that man has got twenty children, Deaps has; he didn't give in all of his children at all.

Q Did you ever hear of Ailey or Fredd DeGrate, or any of the old kin folks of these people here in these cases that you are testifying about, going to a man named Colonel Ward in Mississippi, and trying to register under an article called article fourteen of the treaty of 1830? A Never did, because you see it was so far back in slavery; the old lady she died and then marster died, and they brought all these slaves from Mississippi clean out here.

Witness excused.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the twenty-fourth day of January, nineteen hundred and three, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 29 day of January, 1903.

Charles N. Sawyer

Notary Public.

M C R 6585

Muskogee, Indian Territory, July 6, 1903.

Homer DeGrate,

Wagoner, Indian Territory.

Dear Dir:

Receipt is hereby acknowledged of your letter of May 31, 1903, in which you ask to be advised the status of your case.

In reply you are informed that it appears from our records that you made application to this Commission for identification as a Mississippi Choctaw. Up to the present time the Commission has not rendered any decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge

.. C R 6565

COPY.

Muskogee, Indian Territory, August 7, 1903.

Homer DeGrate,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Demps DeGrate, et al., embracing the following applications for identification as Mississippi Choctaws:

Demps DeGrate, et al.,	I C R 6627
Homer DeGrate, et al.,	I C R 6565
Noah DeGrate, et al.,	M C R 6626
Jobe Lee,	M C R 7090
Moses DeGrate, et al.,	M C R 7091

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under articles fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Demps DeGrate, Jerry DeGrate, Homer DeGrate, Sallie DeGrate, Anna Bell DeGrate, Oscar DeGrate, Fowler DeGrate, Eva DeGrate, Louis DeGrate, Judge DeGrate, Essie Raymond DeGrate, Elnora DeGrate, Noah DeGrate,

Ardelia DeGrate, Isabella DeGr te, Namon DeGrate, Turner DeGrate, Josie DeGrate, Eddie DeGrate, Jobe Lee, Moses DeGrate, Annie J. DeGrate and Richard DeCrate Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be approved, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

A. B. Meritt.
Commissioner in Charge.

Registered.

M.C.R. 6585.

Muskogee, Indian Territory, November 20, 1903.

Homer DeGrate,

Wagoner, Indian Territory.

Dear Sir:

You are hereby notified that on the 18th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Demps DeGrate et al., of which decision you were advised by registered mail on the 7th day of August, 1903.

Respectfully,

Chairman.

M C R 6585

Muskogee, Indian Territory, April 28, 1905.

Homer DeGrate,

Gatesville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter dated March 12, 1905, by reference from the Secretary of the Interior. Therein you ask to be advised relative to your claim to identification as a Mississippi Choctaw, and state that you have some witnesses who can testify in support of your application.

In reply you are informed that the Secretary of the Interior, on November 12, 1903, approved the Commission's decision of August 7, 1903, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Your case is considered closed, and the Commission has no authority to receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

M C R 6585

Muskogee, Indian Territory, June 8, 1905.

Homer DeGrate,

Gatesville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you desire to be advised relative to your application for identification as a Mississippi Choctaw.

In reply you are informed that on November 12, 1903, the Secretary of the Interior approved the Commission's decision of August 7, 1903, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly advised on November 20, 1903.

The Commission now considers this case closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

MCR 6585

Muskogee, Indian Territory, October 31, 1905.

Homer Degrotte,

Gatesville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, by reference from the Secretary of the Interior. Therein you state that you are a Mississippi Choctaw and think you should be identified as such.

As advised in our letter to you under date of June 8, 1905, the Secretary of the Interior on November 12, 1903, approved the decision of the Commission to the Five Civilized Tribes rendered August 7, 1903, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

This office has no authority to take any further action in your case.

Respectfully,

Commissioner.

M C R 6585

Muskogee, Indian Territory, July 5, 1906.

W. W. Vandiver,

Attorney at Law,

Coweta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6, 1906, requesting to be informed if the application of Homer DeGrate for identification as a Mississippi Choctaw is a matter of record in this office.

In reply you are advised that it appears from the records of this office that on January 9, 1903, at Muskogee, Indian Territory, Homer DeGrate, then about 42 years of age, post office address Wagoner, Indian Territory, made application to the Commission to the Five Civilized Tribes for the identification of himself and nine children as Mississippi Choctaws.

August 7, 1903, the Commission to the Five Civilized Tribes rendered a decision refusing the application of Homer DeGrate, et al., which decision was affirmed by the Secretary of the Interior November 12, 1903.

Respectfully,

Commissioner.

M C R 6585

Muskogee, Indian Territory, October 29, 1906.

H. D. DeGrate,

Gatesville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 14, 1906, requesting to be advised relative to your right to identification as a Mississippi Choctaw.

The records of this office show that on November 12, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes rendered August 7, 1903, refusing to identify you and your minor children as Mississippi Choctaws.

Inasmuch as there does not appear to be now pending any motion for review or reconsideration of your case, and the time within which such motions could be received having expired June 25, 1906, the Department's action of November 12, 1903, is considered final.

Respectfully,

Commissioner.

MCR-6585

Muskogee, Indian Territory, March 25, 1907.

J. F. W. Wade,
Gatesville, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of March 12, 1907, addressed to the Secretary of the Interior and by him referred to this office for reply. Therein you ask information relative to the right of your father, Homer DeGrat, to citizenship in the Choctaw Nation.

In reply you are advised it appears from the records of this office that Homer DeGrate is an applicant for identification as a Mississippi Choctaw in the consolidated case of Demps DeGrate et al., M C R 6627, in which case the Secretary of the Interior, on November 12, 1903, affirmed the decision of the Commission to the Five Civilized Tribes of August 7, 1903, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Demps DeGrate et al. This case is considered closed.

Your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

"Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth

J.W.W. -2-

day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

Acting Commissioner.

6565 No. 525

For Identification as a Mississippi Choctaw.

Date JAN 9 - 1903

Name Homer De Grate,

Age 42. Blood 1/4

Post Office Wagener, S. C.

Father Fred Lee Grate, dec.

Mother Annie " dec

Claims through Father 1/2

Wife.

Rosa De Grate — mis. chee.

Wife has made app'n as Mis. Choctaw 6349

Children

Sallie De Grate,		20
~~Annie~~ Anna Bell	"	18
Oscar	"	17
Foster	"	15
Eva	"	13
~~Lewis~~ Louis	"	11
Judge	"	9
Esie Raymond	"	7
E. Inora	"	5

Claim for self and children.

Stenographer W. H. Martin

Homer Dr Grate c

DECISION PREPARED

Choctaw MCR 6586

Lottie Watson

MCR 6586

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Lottie Watson, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Lottie Watson, et al., M.C.R. 6586
William T. Buckner, M.C.R. 6587

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of Lottie Watson, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Original application of William T. Buckner to the Dawes Commission for identification as a Mississippi Choctaw----------	6
Testimony of Malvina Buckner----------	10
Decision of the Commission refusing the applications in the consolidated case of Lottie Watson, et al., for identification as Mississippi Choctaws----------	12

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M C R 6586.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 12, 1903.

In the matter of the application for identification as Mississippi Choctaws of Lottie Watson, et al., M. C. R. 6586, and William T. Buckner, M. C. R. 6587.

A. W. Jones, Agent for Applicants.

Malvina Buckner, being called as a witness by applicants in the above cases, after being duly sworn, testifies as follows:

Examination by Commission.

Q Your name is Malvina Buckner? A Yes sir.
Q What is your age? A 82.
Q What is your post office address? A Van Alstyne, Texas.
Q How long have you lived there? A About 60 years.
Q Where were you born? A In Louisiana.
Q Do you know where in Louisiana? A On Washita river is all I know.
Q Do you claim any Choctaw blood? A No sir, my husband and children is all.
Q Is Lottie Watson your daughter? A Yes sir.
Q And William T. Buckner your son? A Yes sir.
Q Your husband was Albert Buckner? A Yes sir.
Q How long has he been dead? A The 29th of last January.
Q How old was he when he died? A 85.
Q Where was he born? A In Mississippi.
Q Do you remember where in Mississippi? A No sir, I dont know.
Q How much Choctaw blood did he have? A He was half.
Q Were you both slaves at one time? A Yes sir.
Q How did he happen to be a slave if he was part Indian? A Why, he had a colored mammy.
Q His mother was a colored woman? A Yes sir.
Q And she was a slave? A Yes sir.
Q Was his father a slave? A No sir.
Q He got his Indian blood through his father? A Yes sir.

By A. W. Jones, Agent for Applicants:

Q You say you are 82 years old? A Yes sir.
Q You are the wife of Albert Buckner? A Yes sir.
Q Do you know his father's name? A Yes sir.
Q What was his name? A Mathus.
Q Mathus who? A Buckner.
Q Did he live in Mississippi? A Yes sir.
Q Do you know what county? A In Jackson.
Q Where did you first meet him at? A In Texas, when he come out of Mississippi.
Q Did his father come with him? A No sir.
Q Who come along with him? A The white people brought him.
Q Did he say anything or know anything about the treaty of 1830?

A Yes sir.
Q What did he say about that? A He said the Indians wanted to stay in Mississippi and the white people driv them out.
Q Did they drive him out at the same time? A No sir, they never driv him out, but driv all the rest of the crew out.
Q Did he come out at the same time? A No sir.
Q How long afterwards? A I dont know.
Q Did he say anything about whether or not his father owned any land in Mississippi? A No sir, he never said.
Q He didn't say? A No sir.
Q Did he say his father was a Choctaw Indian? A Yes sir.
Q And lived in Hines county, Mississippi? A Yes sir.
Q That's all you know about it? A Yes sir, that's all.

Witness excused.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 12th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 17 day of January, 1903.

Charles K Lawyer
Notary Public.

Ex

#6586.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 13, 1903.

In the matter of the application of Lottie Watson for the identification of herself and her two minor children, Lula and Audrey Watson, as Mississippi Choctaws.

A. W. Jones, Agent for Applicants.

Lottie Watson being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Lottie Watson.
Q What is your age? A 53.
Q What is your post office address? A Sherman, Texas.
Q What street Number? A 508 North East Street.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Albert Buckner.
Q What is your mother's name? A Malvina Buckner.
Q Do you claim your Choctaw blood through your father or mother? A My father.
Q How much Choctaw blood do you claim? A I claim one-third.
Q Are you sure about that? A My father is half, I reckon that makes me a third.
Q That makes you one-quarter? A Well my father's one-half.
Q You claim one-quarter then? A Yes sir.
Q Where were you born? A Here in Texas.
Q Have you always lived in Texas? A Yes sir.
Q Your father was one-half Choctaw Indian? A Yes sir.
Q What was your father's other blood besides his Indian blood? A I dont know what his other blood was.
Q Was he a white man or Chinaman? A He looked more like a Chinaman.
Q Was he part Negro? A He didn't show it any.
Q Well, was he,- come on and tell me? A Yes sir,----I couldn't tell you what he was, whether he was Indian or what.
Q He was Part Choctaw, now what was his other blood, was it white, Negro, or Mexican? A He looked more like a Mexican, but I dont know whether he was white or----
Q Was he a slave at any time? A Yes sir, he has been a slave.
Q What was your mother's blood? A She was darkey.
Q All darkey was she? A Yes sir.
Q Was she a slave at any time? A Yes sir.
Q Were you? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Well now, if he has I never know it; I dont recollect.
Q When were your father and mother married? A I dont recollect about that.

Q They were married? A Yes sir, they were married.
Q You have not the proof of their marriage with you now? A No sir.
Q At the time of the act of emancipation your father and mother and yourself were all freed, were you? A Yes sir, I was.
Q And where were you, all together then? A Yes sir, we were together; I was quite small; I couldn't tell you much about it.
Q Are you married? A Yes sir.
Q Husband is living? A Yes sir.
Q What is your husband's name? A Watson.
Q Full name? A Reuben Watson.
Q Is he a Negro? A Yes sir.
Q You dont make any claim for him, do you? A No sir.
Q Give me the names of your children under age and unmarried, beginning with the oldest? A I have two girls that isn't married; the oldest one who is with me is 19 turning into 20.
Q What is her name? A Lula Watson.
Q What is the name of the next one? A Audrey Watson.
Q How old? A She is 18.
Q Is that all you have under age? A Yes sir, thats all I have under age.
Q Is Reuben Watson the father of these two children? A Yes sir.
Q Are you and your husband living together as husband and wife? A Yes sir.
Q And these children are living with you at your home? A Yes sir, they are living at home.
Q Is your name, or are the names of your children, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not as I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities,for your self and children, in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir, not before.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir, I never have been.
Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes sir.
Q Do you ~~understand~~ claim under article 14 of the treaty of 1830, or don't you understand that article? A Yes sir.
Q You claim under it, do you? A Yes sir.
Q Do you understand that article pretty well, or don't you? A Yes sir, I understand it pretty well.
Q Do you want to have it repeated to you now? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it becameknown that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of these

Lottie Watson--------5

Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or he shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child whoin is living with him over ten years of age, and a quarer section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not tobe entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of the treaty of 1830; did any of your ancestors do any of those things that are stated in article 14, or do you know? A I dont know.
Q What is the name of your ancestor through whom you claim your right now to be identified as a Mississippi Choctaw; I mean now do you claim through your father or mother, or grandfather or grandmother? A My father.
Q Now, go back as far as you can; do you claim through his father or his mother? A My father's father, my grandfather.
Q Do you know whether he claimed through his father or mother? A His father; my great grandfather was full blooded.
Q What was the name of your great grandfather? A I cant think of his name,----- Mathes Buckner.
Q How do you spell that name, M-a-t-h-e-s? A Yes sir, I think so.
Q He is your great grandfather, is that right? A Yes sir, I reckon; I dont know how you spell it; I dont spell it.
Q Is the name Mathew or Mathes? A Mathew.
Q All right, thats the way you want it? A Yes sir.
Q Did Mathew Bucknew live in Mississippi in 1830, and have a family there then? A Yes sir, I suppose from what my father said he was.
Q That is your great grandfather? A Yes sir.
Q And you claim through your father; what was your father's father's name? A Thats my father's father there, my grandfather.
Q You said your great grandfather; have you got a great grandfather that you know anything about? A Yes sir, thats my father's father.
Q That would be your grandfather? A Yes sir, I dont know nothing about my great grandfather; thats my grandfather.
Q Do you think your grandfather, Mathew Buckner, lived in Mississippi in 1830 and had a family there then? A Yes sir.
Q How much Choctaw blood did Mathew Buckner have? A He was full blooded.
Q How do you know he was? A My father said he was.

Q Was your father a slave? A Yes sir.
Q Was his father, Mathew, a slave? A No sir, I think not,— no sir, becausemy father said his father was a free man.
Q Your father was stolen, was he? A I dont know sir.
Q Do you know how he happened to become a slave? A No sir.
Q Was Mathew Buckner's wife a slave? A No sir.
Q What was she? A I dont know.
Q A colored woman? A I dont know; I never saw her.
Q Do you know if Mathew Buckner went to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and told him he wanted to stay in Mississippi, take land there and become a citizen of the states, did you ever hear that? A No sir.
Q Did any of your Choctaw ancestors, Mathew Bucknew or any other, occupy land in Mississippi or in Alabama in the old Choctaw Nation, for five years, and at the end of that time get a patent to that land from the government under article 14 of the treaty of 1830? A I dont know whether they did or not, I never heard.
Q You never heard that they claim any land there at all under article 14 of that treaty? A No sir.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1835 and 1838 or '40? A Well, I dont know.
Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A All I can tell you is what I heard my father say.
Q Do you know whether they went or not? A No sir; I know my father said they was driv out of Mississippi.
Q Where was they driv to? A I dont know where they was driv to.
Q Never heard that they were driven to the Indian Territory, did you? A No sir, I never heard him say.
Q Do you know whether any of your Choctaw ancestors owned any improvements on land in the old Choctaw Nation in 1830 or 1831? A No sir, I dont know whether they did or not.
Q Did you ever hear that Mathew Buckner, or any other Choctaw ancestor of yours, went before the Commission of 1837 or the Commission of 1842, in order to prove rights under article 14 of the treaty of 1830? A No sir.

The first commission was appointed by an act of Congress approved March 3rd, 1837, and the second commission by an act of Congress approved August 23rd, 1842. These commissions went to Mississippi and heard claimants under that article, because of the complaints of Choctaw Indians, who claimed that they had attempted to register under article 14 of the treaty of 1830, and also claimed that Colonel Ward would not allow them to register, and because of his refusal to allow them to register their land had been taken from them in the old Choctaw Nation and sold.

Q Do you know whether any of your Choctaw ancestors received any scrip from the government which entitled them to select land, either in Mississippi, Alabama, Louisiana, or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23rd, 1842.

Q Do you speak or understand the Choctaw language? A No sir, but my father did; I dont; at least I reckon he did, because he spoke

words I couldn't understand.
Q Perhaps he was talking Hebrew; how do you know it was Choctaw? A I dont know whether it was or not; it was a languageI could not understand.
Q It might have been a language that came down to him from his race, 'way back in Africa? A No sir, he didn't come from Africa; he didn't have the African color.
Q Well, perhaps he talked the Seminole language? A I dont think he did.
Q Have you any other proof that you want to present now? A No sir, I haven't.

By A W Jones, Agent for Applicant:
Q You stated just now that you had no other proof that you wanted to make before the Commission? A Yes sir.
Q Have you not your mother here as a witness? A Yes sir, here is my mother, and my brother; I want my mother here; I done forgot I had a poor old mother in the house; I mustn't do that.

By the Commission: That applicant has the appearance and physical characteristics of being descended from Negro parentage; she has no knowledge of the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 12th day of January, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 14 day of January, 1903.

Charles H. Sawyer

Notary Public.

Wex

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lottie Watson, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Lottie Watson, et al.,	M.C.R. 6586
William T. Buckner,	M.C.R. 6587

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Lottie Watson for herself and her two minor children, Lula and Audrey Watson; and by William T. Buckner for himself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that both of the principal applicants were born of a slave mother prior to the Emancipation Proclamation, were themselves slaves and that the minor applicants herein applied for, are lineal descendants of Lottie Watson, and it does not appear from the records in the possession of the Commission that any one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Lottie Watson, Lula Watson, Audrey Watson and William T. Buckner as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Stanton.
COMMISSIONER.

Muskogee, Indian Territory,

AUG 8 1903

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o-o-o---

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Lottie Watson, et al.,	M.C.R. 6586
William T. Buckner,	M.C.R. 6587

---: D E C I S I O N :---

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COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Clapp.
COMMISSIONER.

Muskogee, Indian Territory,

AUG 7 1903.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lottie Watson, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Lottie Watson, et al., M.C.R. 6586
William T. Buckner, M.C.R. 6587

---: D E C I S I O N :---

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It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Lottie Watson, Lula Watson, Audrey Watson and William T. Buckner as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) J. G. Brasmington.
COMMISSIONER.

(SIGNED) [illegible]
COMMISSIONER.

Muskogee, Indian Territory,

AUG 3 1903

M C R 6586

COPY.

Muskogee, Indian Territory, August 3, 1903.

Lottie Watson,

508 N.E St.

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 3rd day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lottie Watson, et al., embracing the following applications for identification as Mississippi Choctaws:

Lottie Watson, et al,. M C R 6586
William T. Buckner, M C R 6587

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"[illegible] shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Lottie Watson Lula Watson, Audrey Watson and William T. Buckner as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

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days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.

Register

Commissioner in Charge.

M C R 6586

COPY.

Muskogee, Indian Territory, August 3, 1903.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on the 3rd day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lottie Watson, et al., embracing the following applications for identification as Mississippi Choctaws.

Lottie Watson, et al., M C R 6586
William T. Buckner, M C R 6587

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

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Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Lottie Watson, Lula Watson, Audrey Watson and William T. Buckner as such should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

M C R 6586

COPY.

Muskogee, Indian Territory, August 3, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lottie Watson, et al., embracing the following applications for identification as Mississippi Choctaws:

Lottie Watson, et al., M C R 6586
William T. Buckner, M C R 6587

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Lottie Watson, Lula Watson, Audrey Watson and William T. Buckner as such should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in this case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lottie Watson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 3, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Lottie Watson, et al., M.C.R. 6586.
William T. Buckner, M.C.R. 6587.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
2 Enc. M.C.R. 6586.

D.C.
1510-1904. DEPARTMENT OF THE INTERIOR, WCF.
ITD 28-1904. WASHINGTON, JANUARY 7, 1904. FHE.
L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 19, 1903, you transmitted the record in the consolidaded case embracing the applications for identification as Mississippi Choctaws of Lottie Watson (M.C.R.6586), for herself and her two minor children, Lula and Audrey Watson; and of William T. Buckner for himself, including your decision of August 3, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Mathew Buckner, grandfather of the principal applicants Lotti Watson and William T. Buckner, it being alleged that said ancestor was a full blood Choctaw Indian and a resident of Mississippi in 1830.

Neither the evidence furnished by the record, nor the records of the Indian Office, show that said ancestor ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter December 31, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your

decision, in so far as it rejects the applicants, is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Land,
53938-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Dec. 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application of Lottie Watson for the enrollment of herself and her two minor children, Lula and Audrey Watson; also the application of William T. Buckner for the enrollment of himself, as Mississippi Choctaws, wherein a decision rejecting the applicants was entered by the Commission on August 3, 1903.

The record in this case shows that the applicants base their claim to right to identification as Mississippi Choctaws on their descent from Mathew Buckner, grandfather of Lottie Watson and William T. Buckner, the principal applicants. It is claimed that he was a full blood Choctaw Indian, having resided in Mississippi in 1830. His son, the father of the principal applicants, Albert Buckner, was a slave and the witnesses were unable to give any information relative to the status of the grandfather as a citizen of the Choctaw Nation in 1830, if such were the case, or as to whether he was a recognized head of a family at that time or whether he complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of that year. They place more reliance for their success in this application on their descent from Mathew Buckner and their Choctaw blood derived from him.

The Commission rejected the applicants for the reason that none of them have ever been admitted or enrolled as citizens of the Choctaw Nation by any of the agencies in control of that matter, and for the further reason that the principal applicants were born of a slave mother prior to the emancipation proclamation and were themselves slaves; that the minor applicants herein are lineal descendants of Lottie Wat. and it is the opinion of the Commission that under the provision of law relative to the identification of Mississippi Choctaws, no freedman is entitled to identification as a Mississippi Choctaw.

An examination of the records of this office has been made with reference to the name of Mathew Buckner, and it is discovered that his name does not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is therefore recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner.

(E.B.H.) P.

M.C.R. 6586

Muskogee, Indian Territory, January 19, 1904.

Lottie Watson,
508 N. E. Street,
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 7th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lottie Watson, et al., of which decision you were advised by registered mail on the 3rd day of August, 1903.

Respectfully,

Commissioner in Charge.

M.C.R. 6586

Muskogee, Indian Territory, January 19, 1904.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lottie Watson, et al., of which decision you were advised by registered mail on the 3rd day of August, 1903.

Respectfully,

Commissioner in Charge.

M.C.R. 6586.

Muskogee, Indian Territory, January 19, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

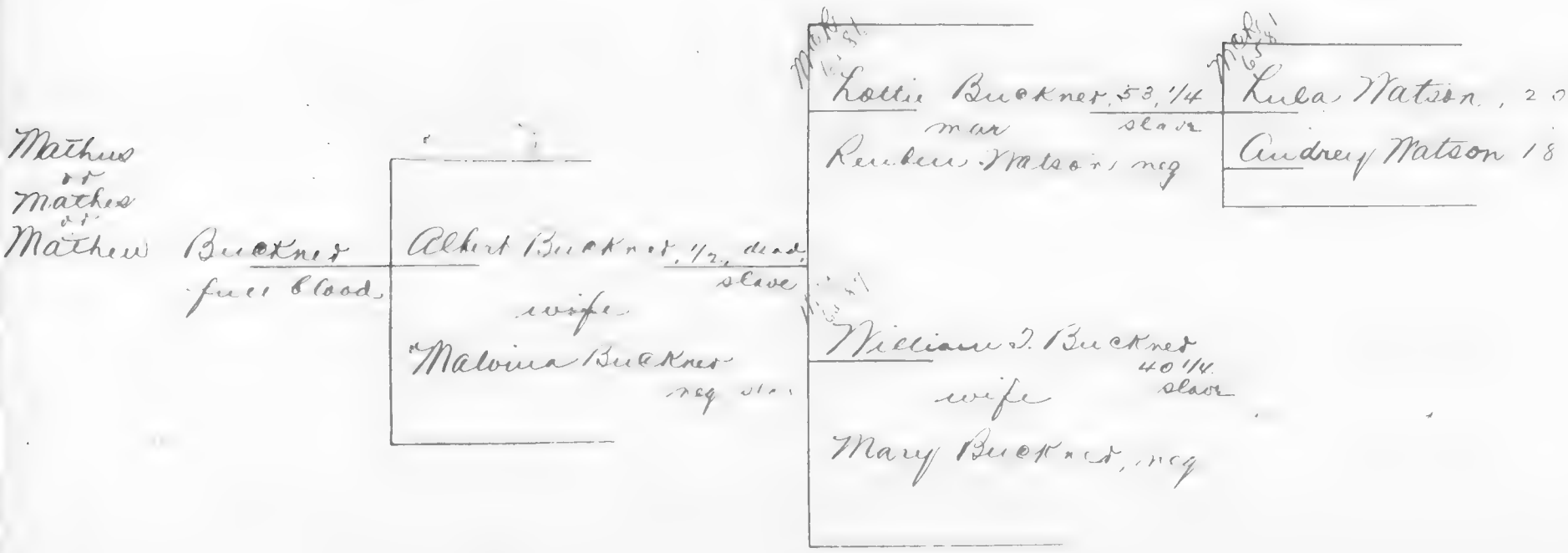
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Respectfully,

Commissioner in Charge.

N. FREEDMEN ROLL.

THER	FATHER'S TRIBAL ENROLLMENT			FATHER'S OWNER	NAME OF MOTHER	
	YEAR	BAND	NO.			
				Consolidated Case.	Kattie Watson Atal.	REFER TO M. C. R. 6 & 86


Mathus
or
Mathes
or
Mathews
Bucknor
full blood
Albert Bucknor, 1/2, dead, slave
wife
Malvina Bucknor
neg slave
Mat. 1
Lottie Bucknor, 53, 1/4
man
slave
Reuben Watson, neg
Mat. 1
Lula Watson, 20
Audrey Watson 18
William J. Bucknor
40 1/4
slave
wife
Mary Bucknor, neg

6516 No. 751

For Identification as a Mississippi Choctaw.

Date JAN 12 1903

Name Lottie Watson

Age 53 — Blood 1/4 C

Post Office Sherman Tex.
~~Sher~~ (508 N.E. 51-)

Father: Albert Bucknerd

Mother: Malvina " l

Claims through father

Husband

Reuben Watson l. n

No claim for husband

Children.

Lula Watson, 20

Audrey " 18

Claim for self and 2 minors.

Stenographer W.E. Martin

Lottie Watson et

DECISION PREPARED

Choctaw MCR 6587

William T. Buckner

MCR 6587

No.6587.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 12, 1903.

In the matter of the application of William T. Buckner for the identification of himself as a Mississippi Choctaw.

A. W. Jones, Agent for Applicant.

William T. Buckner being duly sworn testifies as follows:

Examination by the Commission.

Q How old are you? A 40.
Q What is your post office address? A Van Alstyne, Texas.
Q How long have you lived in Texas? A Always.
Q Born and raised there? A Yes sir.
Q Is your father living? A No sir.
Q Is this your mother here? A Yes sir.
Q What was your father's name? A Albert Buckner.
Q What is your mother's name? A Malvina Buckner.
Q Do you claim Choctaw blood through your father or mother? A My father.
Q How much Choctaw blood do you claim? A One fourth.
Q According to the testimony of Lottie Watson,— she is your sister? A Yes sir.
Q Your father and mother were both slaves at one time, is that so? A Yes sir.
Q Were you born in slavery, too? A Yes sir.
Q You were emancipated with your father and mother? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not as I know of.
Q When were your father and mother married? A I dont know sir.
Q You haven't that proof here? A No sir.
Q What is your wife's name? A Mary Buckner.
Q What is her nationality, a colored woman? A Yes sir, she's colored.
Q You dont make any claim for her then? A No sir.
Q Have you any children? A No sir, no children.
Q You just make application for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know of.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities, or the Dawes

Commission under the act of Congress of June 10, 1896? A No sir.

Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes sir.

Q You have never been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States in the Indian Territory? A No sir.

Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand that article, or would you like to have it explained to you? A I would like to have it explained.

The treaty of 1830 was made between the United States government and the Choctaw Nation at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, of the year 1830. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with that article, do you know? A Not as I know of.

Q Now, what is the name of your ancestor through whom you claim now? Go back to your grandfather, if you can; that is the name given by your sister? A Yes sir, he was Mathew Buckner.

Q What relation was Mathew Buckner to you? A My grandfather.

Q How much Choctaw blood did he have? A Why, full blooded I suppose.

Q How much Choctaw blood did your father have? A Half.

Q Did your grandfather live in Mississippi in 1830 and have a family there then, Mathew Buckner? A I dont remember what time exactly.

Q Did he live in Mississippi at all? A Yes sir.

Q Was he born there? A Yes sir.
Q Did he die there? A Yes sir.
Q When was he born there, do you know? A I dont remember.
Q When did he die there? A I haven't learned exactly; a good many years ago.
Q How old a man would he be if living now? A My grandfather would be a good deal over a hundred years old I suppose.
Q Do you remember your grandmother's name? A No sir, I dont.
Q Was Mathew Buckner a slave, do you know? A No sir, I think not.
Q Was his wife? A I think she was.
Q Do you know if Mathew Buckner went to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830 and told him that he wanted to stay in Mississippi, take land there, and become a citizen of the state? A I dont know, sir.
Q Do you know whether he, or any Choctaw ancestor of yours, lived on land in Mississippi or Alabama in the old Choctaw Nation, for five years, and then get a patent from the government for it? A I dont know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today, for the purpose of making a home in the Choctaw Nation, Indian Territory? A I dont know sir.
Q Did any of them claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A Not as I know of.
Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim any rights under article 14 of the treaty of 1830 before either of these two commissions? A I dont know, sir.

These Commissions were appointed by acts of Congress, one in 1837 by an act approved March 3rd of that year, and the other in 1842, by an act approved August 23rd of that year, for the purpose of hearing Indians who claimed that they had gone to Colonel Ward and attempted to register under article 14 of the treaty of 1830 within the time limited in that article, but that Colonel Ward had refused to register their names, and because he had refused to do this the government had taken their land in the old Choctaw Nation, and sold it.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know sir.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article 14, and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you speak the Choctaw language? A I dont know it.

Wm T Buckner------4

Q Is Lottie Watson your sister? A Yes sir.
Q Do you want to have your case and hers considered together? A Yes sir, I guess so.

That means that whatever you testify to she will also have the benefit of, and vice versa, her testimony will be taken in connection with yours, and your mother will testify in both cases.

The case of Lottie Watson, et al., M. C. R. 6586, is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from African parentage; he does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830. Lottie Watson is his full sister, both having the same father and mother. Their parents were both slaves; and both Lottie Watson and this applicant, William T. Buckner, were also born in slavery.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 12th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 22 day of January, 1903.

Charles W Sawyer

Notary Public.

M C R 6587.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 19, 1903.

In the matter of the applications for identification as Mississippi Choctaws of Lottie Watson, et al., M. C. R. 6586, and William T. Buckner, M. C. R. 6587.

A. W. Jones, Agent for Applicants.

Malvina Buckner, being called as a witness by applicants in the above cases, after being duly sworn, testifies as follows:

Examination by Commission.

Q Your name is Malvina Buckner? A Yes sir.
Q What is your age? A 82.
Q What is your post office address? A Van Alstyne, Texas.
Q How long have you lived there? A About 20 years.
Q Where were you born? A In Louisiana.
Q Do you know where in Louisiana? A On Washita river is all I know.
Q Do you claim any Choctaw blood? A No sir, my husband and children is all.
Q Is Lottie Watson your daughter? A Yes sir.
Q And William T. Buckner your son? A Yes sir.
Q Your husband was Albert Buckner? A Yes sir.
Q How long has he been dead? A The 29th of last January.
Q How old was he when he died? A 85.
Q Where was he born? A In Mississippi.
Q Do you remember where in Mississippi? A No sir, I dont know.
Q How much Choctaw blood did he have? A He was half.
Q Were you both slaves at one time? A Yes sir.
Q How did he happen to be a slave if he was part Indian? A Why, he had a colored mammy.
Q His mother was a colored woman? A Yes sir.
Q And she was a slave? A Yes sir.
Q Was his father a slave? A No sir.
Q He got his Indian blood through his father? A Yes sir.

By A. W. Jones, Agent for Applicants:

Q You say you are 82 years old? A Yes sir.
Q You are the wife of Albert Buckner? A Yes sir.
Q Do you know his father's name? A Yes sir.
Q What was his name? A Mathus.
Q Mathus who? A Buckner.
Q Did he live in Mississippi? A Yes sir.
Q Do you know what county? A In Jackson.
Q Where did you first meet him at? A In Texas, when he come out of Mississippi.
Q Did his father come with him? A No sir.
Q Who come along with him? A The white people brought him.
Q Did he ever exercise or keep exercising about the treaty of 1830?

A Yes sir.
Q What did he say about that? A He said the Indians wanted to stay in Mississippi and the white people drew them out.
Q Did they drive him out at the same time? A No sir, they never driv him out, but driv all the rest of the crew out.
Q Did he come out at the same time? A No sir.
Q How long afterwards? A I don't know.
Q Did he say anything about whether or not his father owned any land in Mississippi? A No sir, he never said.
Q He didn't say? A No sir.
Q Did he say his father was a Choctaw Indian? A Yes sir.
Q And lived in Hines county, Mississippi? A Yes sir.
Q That's all you know about it? A Yes sir, that's all.

Witness excused.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceeding at Muskogee, I. T., on the 13th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 17 day of January, 1903.

Charles H Kemper

Notary Public.

Ex

M C R 6587

COPY.

Muskogee, Indian Territory, August 3, 1903.

William T. Buckner,

Van Alstyne, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lottie Watson, et al., embracing the following applications for identification as Mississippi Choctaws:

Lottie Watson, et al.,	M C R 6586
William T. Buckner,	M C R 6587

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Lottie Watson, Lula Watson, Audrey Watson and William T. Buckner as such should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Register.

M.C.R. 6587

Muskogee, Indian Territory, January 19, 1904.

William T. Buckner,

Van Alstyne, Texas.

Dear Sir:

You are hereby notified that on the 7th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lottie Watson, et al., of which decision you were advised by registered mail on the 3rd day of August, 1903.

Respectfully,

Commissioner in Charge.

6587 No. 6587

For Identification as a Mississippi Choctaw.

Date JAN 12 1903

Name William T. Buckner

Age 40 – Blood 1/4

Post Office. Van Alstyne, Texas,

Father: Albert Buckner d

Mother: Malvina " d.

Claims through father 1/2

Wife.

Mary Buckner S. neg.

No claim for wife.

Children:

Claim for self alone

Stenographer W. A. Martin

William T. Buckner

ACTION APPROVED BY
SECRETARY OF INTERIOR.

REFER TO M. C. R.

Choctaw MCR 6588

William S. Meeks

MCR 6588

6588

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 13, 1903.

In the matter of the application of William S. Meeks for the identification of himself and his five minor children, Willie Effie, Ola P., Owen H., Clide, and Grace Meeks, as Mississippi Choctaws

William S. Meeks being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A William S. Meeks.
Q What is your age? A Thirty-five.
Q What is your post office address? A Marlow, I. T.
Q How long have you lived at Marlow? A Been there just a short time.
Q About how long? A Two weeks.
Q Where did you live before that? A Purdy.
Q Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory last past? A Been living here five years.
Q In what nation? A Chickasaw.
Q Where were you born? A Arkansas.
Q Where in Arkansas? A Pike County.
Q From Arkansas you went where? A To the Territory.
Q And have lived here ever since? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Jesse Meeks.
Q Has he been before the Commission? A Yes sir, I think so; he was up here; I dont know eiether whether he was or not; I guess he was.
Q What is your mother's name? A Amanda Meeks.
Q Through which parent do you claim Choctaw blood? A My mother.
Q Your father is a white man is he? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q You claim your mother was one eight? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A My first wife is dead.
Q Have you children by your first wife? A Four, yes sir.
Q And one by the second wife? A Yes sir.
Q What is the name of your first wife? A Eliza Meeks.
Q How long has she been dead? A Been dead two years.
Q What is your second wife's name? A Alva Meeks.
Q She is living? A Yes sir.
Q Do you make any claim for your wife? A No sir.
Q What was the nationality of your first wife? A White.
Q And your second also? A Yes sir.
Q Have you any children by your first wife? A Yes sir, four.
Q Give me the name of the oldest under age and unmarried? A Willie Effie Meeks.
Q A girl? A Yes sir.

Q How old is she? A She is nine years old.
Q The next? A Ola H. Meeks?
Q A girl? A No sir, boy.
Q How old is Ola? A Six.
Q The next? A Owen.
Q How old is Owen? A Four.
The next? A Clide.
Q C-l-y-d-e? A C-l-i-d-e is the way I spell it.
Q That is a boy? A Yes sir.
Q How old is Clide? A Two.
Q Was your first wife, Eliza, now deceased, the mother of these four children? A Yes sir.
Q Have you any other children? A Yes sir, one, Grace.
Q How old is Grace? A Five months.
Q Is your second wife, Alva, the mother of this child? A Yes sir.
Q You claim for yourself and these five children? A Yes sir.
Q Have you the proof of your marriage to your first wife here? A No sir.
Q Have you the proof of your marriage to your second wife with you now? A No sir.
Q Do you remember when and where you were married to your first wife? A Caddo, Choctaw Nation, Indian Territory.
Q What day of the mont and the year? A I dont believe I can giv it.
Q Were you married by a minister under a license? A Yes sir.
Q Can you tell when and where you were married to your second wife? A In Purdy, I. T.
Q What day of the month and the year? A I couldn't give that now.
Q You can get the proof of these marriages can you if given time? A Yes sir.

Thirty days time will be allowed you in which to introduce the proof of your marriage to your first wife, and also your second wife; and also for the introduction of any other testimony which you may want to present in this case.

Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or any of your children to the Choctaw tribal authorities in the Indian Territory? A No sr.
Q Have you ever made any such application for yourself and your children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children, any of them, ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw and to identify these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A I couldn't say that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of

that year, 1930. The object of the treaty on the part of the United States was to get the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed, however, it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect those Indian who remained there in their rights article 14, which was a section or part of the treaty of 1830, was drafted and put into the treaty. That is the article under which you make your claim today. This article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said landsintending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A No sir/
Q What is the name of your ancestor through whom you make this claim today? A Rebecca Box.
Q What relation was she to you? A My great grandmother.
Q Was that hermaiden or married name? A I couldn't say.
Q You dont know the name of her husband? A No sir.
Q How much Choctaw blood did she have? A I dont know.
Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A I dont know.
Q Do you know whether she went to the United States Indian agent within six months after the ratification of the treaty of 1830 and told him she wanted to stay in Mississippi, take land there and become a citizen of the states? A I do not.
Q Do you know whether anybody went for her? A No sir.
Q Do you know whether she livedon land in the old Choctaw Nation either in Mississippi or Alabama for five years, and then received a patent for that land from the government under article 14 of the treaty of 1830? A No sir.
Q Did she live in Mississippi or Alabama? A I couldn't say.
Q Can you give the name of any Choctaw ancestor who did live either in Mississippi or Alabama at any time? A No sir.
Q Did any of your Choctaw ancestors, Rebecca Box, or any other, go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I dont know.
Q Did they go at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home or permanent residence in the Choctaw Nation, Indian Territory? A I dont know.

Q Did any of your Choctaw ancestorsown any improvements on land in that old ChoctawNation in 1830 or 1831? A I dontknow.

In 1837 by an act of Congress approved March 3rd of that year, and also in 1842 by an act of Congress approved August 23rd of that year, commissions were appointed by these various acts of Congress, which commissions went to Mississippi and heard claimants under article 14 of the treaty of 1830. The reason why these commissions were appointed was because of the complaints that Choctaw Indians who stayed in Mississippi in the old Choctaw Nation made on a ccount of the refusal by Colonel William Ward, the United States Indian Agent, to properly register their names as claimants under article 14 of the treaty of 1830. They claimed they went to his office within six months after the ratification of the treaty, and attempted to register under that article, but that he refused to accept their names for registration, and because he did refuse to do this the government had taken their land from them which they held in the old Choctaw Nation and sold it.

Q Do you know whether any of your Choctaw ancestors, Rebecca Box, or any other, went before either of these commissions and claimed any rights under article 14 of that treaty? A I do not.
Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their lands in the old Choctaw Nation had been taken from them and sold by the government.

Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any other evidence that you want to present at this time? A No sir.
Q Quite a number of your relatives have been before the Commission to be identified as Mississippi Choctaws? A Yes sir.
Q Is Mary E. Sparks related to you? A Yes sir.
Q What relation is she to you? A I couldn't tell.
Q You dont know what relation? A No sir.
Q But are you satisfied that she is related to you, and claims through the same common ancestor? A I have been told she does.
Q Do you want to have her case considered with yours, and these other relatives of yours, Amanda A. Meeks, and others who claim through the same common ancestor? A Yes sir.
Q Is Amanda A. Meeks your mother? A Yes sir.
Q Do you want that letter "A" to go in there? A Yes sir.
Q You want to change your mother's name and put that "A" in there? A Yes sir.

The case of Mary A. Sparks, et a., M C R 5735, is here referred to for the purpose of consolidation.

By applicant: There is one of those other names I believe I want to have changed.
Q You gave the names as Willie Effie, Ola H. and Clide? A That is Ola P.
Q Ola P. instead of Ola H? A Yes sir. And the other is Owen H.
Q Owen H? A Yes sir.

Q Then the name of Ola H. as you gave in the beginning of your testimony you change to Ola P.? A Yes sir.
Q And Owen as you gave in the beginning of your testimony you change to Owen H.? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; does not understand or speak the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with article 14 of the treaty of 1830; he has light hair, light mustache, blue eyes, medium fair complexion.

Walter H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 13th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Walter H. Martin

Subscribed and sworn to before me this 17th day of April, 1903.

David Shelby
Notary Public.

M C R 6588

Muskogee, Indian Territory, February 8, 1903.

W. S. Meeks, Received. Marlow. I. T. March. 10. 1903.
~~Sulphur~~, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, 1903, enclosing marriage certificate between Silas Meeks and Eliz: Bullock of June 11, 1893; also marriage certificate between W. S. Meeks and Alva Graham of August 27, 1901, which you offer in support of your application for the identification of yourself and minor children as Mississippi Choctaws, and the same have been filed with the record in your case.

Respectfully,

Acting Chairman.

M.C.R.6588

Muskogee, Indian Territory, March 17, 1904.

William S. Meeks,

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusin the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you and your children, Willie Effie, Ola P., Owen H., Clide and Grace Meeks.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expir tion of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

MSM

REFER IN REPLY TO THE F. C. W. NO.

6588.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 23, 1906.

William S. Meeks,

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws is a part.

Respectfully,

Commissioner.

6588

No. 1558

For Identification as a Mississippi Choctaw.

Date JAN 13 1903

Name William S. Meeks.

Age 35 Blood ~~7/8~~ 1/16

Post Office. Marlow, I. T.

Father, Jesse Meeks l.

Mother Amanda A. " l.

Claims through mother 1/8

wife (1) Eliza Meeks w. (d.)

wife (2) Alva " w. (l.)

No claim for wife.

Children

		F
~~6~~	Willie Effie Meeks.	9
~~Cla~~	Cla ~~H~~ P. (M) "	6
	Owen H. " "	4
	Clide " "	2

1st wife mother of above 4 minors

Grace Meeks 5 m

2nd wife mother of Grace.

Claim for self and 5 minors

Stenographer W. H. Martin

William S. Meeks et al

DECISION RENDERED MAR 14 1904

NOTICE OF DECISION TO APPLICANT. [illegible] 1904

NOTICE OF DEC[illegible]
ATTORNEY [illegible]

[illegible] 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN [illegible] 1906

NOTICE OF [illegible] ACTION
FORWARDED APPLICANT.

JAN 24 1906

NOTICE [illegible]
FORWARDED AT [illegible] APPLICANT.

NOTICE OF [illegible] ACTION
FORWARDED [illegible] CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

MAR 5 PM 1964 RECD

DEPARTMENT [illegible]
COMMISSION TO [illegible]

FILED

MAY 11 1964

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.









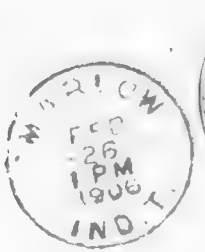
Williams S. Meeks,

Marlow, Indian Territory.

UNKNOWN.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





Choctaw MCR 6589

Buck Stanley

MCR 6589

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Buck Stanley, for identification as a Mississippi Choctaw, M.C.R. 6589.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of Buck Stanley to the Dawes Commission for identification as a Mississippi Choctaw----------	1
Decision of the Commission refusing the application of Buck Stanley for identification as a Mississippi Choctaw----------	7

---o---

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Buck Stanley, for identification as a Mississippi Choctaw, M.C.R. 6589.

---: D E C I S I O N :---

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission by Buck Stanley for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application, and the records in the possession of the Commission, it does not appear that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under

the provisions of the act of Congress approved June
Stats., 321).

The records show that the applicant is to
been living in eighteen hundred and thirty, and fai
complete name of a more remote Choctaw ancestor thr
claim than his father, who, according to the testi
been fifty-eight years of age in 1903, and could no
have been living in eighteen hundred and thirty. I
from the evidence submitted by the applicant that h
a more remote Choctaw ancestor named Stanley, who,
his grand-father and possessed of Choctaw blood, de
known, but as he is only able to give the surname o
it is, therefore, impossible for the Commission to
whether or not such ancestor was a beneficiary unde
term of the treaty of "Dancing Rabbit Creek." Alt
plicant has had more than three months in which to
tending to show who his ancestors were, he has not
submit much additional proof, neither has his a
record.

The evidence being insufficient to deter
tity of Jack Stanley, as a Choctaw Indian entitled
Choctaw Lands under the provisions of said article
the treaty of eighteen hundred and thirty, it is th
this Commission that the application for his identi

such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman

T. B. Needles.

C. R. Breckinridge.

W. E. Stanley.

Muskogee, Indian Territory,

AUG 1 1903

#8589

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 15, 1903.

In the matter of the application of Buck Stanley for the identification of himself as a Mississippi Choctaw.

S. Heard, Attorney for Applicant.

Buck Stanley being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Buck Stanley.
Q What is your age? A My age is 26 years old; be 27 in February.
Q What is your post office address? A My post office is Eufaula.
Q Indian Territory? A Yes sir.
Q How long have you lived in Eufaula, Indian Territory? A I have lived 7 miles south of Eufaula, born and raised there.
Q Always lived there? A Yes sir.
Q Is your father living? A No sir, he's dead.
Q Is your mother living? A No sir, she's dead.
Q What was your father's name? A Frank Stanley.
Q What was your mother's name? A Silva Stanley.
Q Through which parent do you claim Choctaw blood? A My father.
Q Do you claim your father had Choctaw blood? A Yes.
Q How much Choctaw blood do you claim? A One-quarter.
Q You claim your father was one-half Choctaw? A Yes.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
Q. Where was he recognized and enrolled? A In the Choctaw Nation; he was recognized there as a Choctaw.
Q By the other members of the Choctaw tribe? A Yes sir.
Q But not enrolled by the Council, was he? A Sir?
Q By the Choctaw Council? A Yes sir, I guess so.

By Mr. Heard, Attorney for applicant: His name was on the rolls; he was originally from Mississippi, and he has been on the Choctaw rolls all the time; his brothers and sisters are on the rolls here, and his application was left out by mistake, and he has never been enrolled, and as the time has expired he makes application for identification as a Mississippi Choctaw.

By the Commission:
Q Your father's name, then, and the names of your brothers and

sisters were placed on the roll, but your name was not placed on the roll at the time? A Yes sir, thats right.
Q How did it happen that your name was not placed on the roll with your father and other relatives when they were placed there? A I dont know; it was a mistake that it was left off, through the counsel.

By Mr Heard:
Q What lawyer represented them? A Wilkinson, at South McAlester.

By the Commission:
Q Did your father and other members of your father's family appear before the Commission in 1896? A Sir?

By Mr Heard:
Q He asked you if your father appeared before the Dawes Commission in 1896? A (No response)
Q How long has your father been dead? A Been dead 9 years.

By the Commission:
Q Was he recognized as a Choctaw Indian 9 years ago, and more? A Yes sir.
Q Was he placed on the Choctaw rolls by the Choctaw Council? A Yes sir.
Q Did any of the members of your father's family appear before the Dawes Commission in 1896, under the act of Congress of June 10, 1896? A Yes sir.
Q Did your name appear at that time, or was any application made for you at that time? A Yes sir, there was application made at that time, but through neglect they put on the rest of the names and left me off.

By Mr Heard: No application was made for him in '96.

By the Commission:
Q Your counsel, Mr. Heard, says no application was made for you in 1896 under the act of Congress of June 10th of that year to the Dawes Commission; is this the first application you have ever made for citizenship in the Choctaw Nation? A Wilkinson put in my application down there, and Judge Fears at Eufaula put it in again.
Q When? A Judge Fears put it in two years ago.
Q What was done with your other application for citizenship in the Choctaw Nation; were you admitted or not? (No response)
Q Have you ever been admitted as a member of the Choctaw tribe of Indians? A Yes sir.

By Mr. Heard:
Q You dont understand it; your name does not appear on the rolls here? A No sir.
Q And then you were not admitted? A O, no; I never understood him.

By the Commission:
Q Then you have not been admitted up to the present time as a member of the Choctaw tribe of Indians? A No sir, no more than holding land, and such as that.
Q You never have been admitted by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory, as a citizen

of that tribe? A No.
Q Do you know when and where your father and mother were married? A They was married in Mississippi, I reckon.
Q Do you remember the day of the month and year? A No.
Q Have you the proof of their marriage with you now? A No.
Q Do you think you can introduce that later? A I dont know; I couldn't tell you, sure.
Q Are you married? A No sir, I am single.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation In the Indian Territory? A No.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Only by Wilkinson.
Q Have you ever been enrolled as a member of the Choctaw tribe by any authority whatever? A No sir.
Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw, claiming under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? (No response)

By Mr. Heard: He doesn't understand it.

By the Commission:
Q You don't understand it? A No, not thoroughly.

That article, called article 14, was put into the treaty of 1830 for the especial benefit of the Choctaw Indians, who, after the treaty of 1830 was ratified, remained back in the old Choctaw Nation east of the Mississippi river. This treaty of 1830 was a treaty made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September, 1830. The object of that treaty wasto remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. When it was discovered that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, some provision had to be made for them, to protect their interests, and was embodied in article 14 of the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q So you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of the treaty of 1830, or dont you know? A How is that?
Q Did any of your ancestors, father or mother, or grandfather or grandmother, or great grandfather or great grandmother, comply with article 14 of the treaty of 1830; did they go to the Agent within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I couldn't tell you.
Q What is the name of your ancestor through whom you are claiming through now? A Frank Stanley.
Q What relation was he to you? A My father.
Q Do you claim back further than that? A O, yes, my grandfather; I dont know nothing about him.
Q You dont know his name? A I dont recollect his name, sure; I dont know anything about him.
Q His name was Stanley, was it not? A Yes sir, his name was Stanley.
Q Is that the only name you know of your grandfather? A Yes sir.
Q Dont you know his Indian name, if he had one? A No sir, I dont know anything about my grandfather at all.
Q How much Choctaw blood did your grandfather, Stanley, have? A He was about a half breed.
Q You said your father was a half breed a little while ago, and that you were a quarter; if that is true your grandfather must have been more than one-half, unless your father got Choctaw blood from his mother; do you know whether he did or not? A No I dont, sure.
Q You can see that if your father got his Choctaw blood fro his father only, and if your father was only one-half Choctaw Indian, that his father, your grandfather, must have been twice as much as one-half, which would be a full blood; do you know anything about that? A No, I dont, sure.
Q Did your grandfather, Stanley, or his son, your father, Frank Stanley, either of them, live in Mississippi or Alabama in 1830 and have families there then? A My father he was raised in Mississippi.
Q How old would your father be now, if living? A He would be about 58 years old.
Q Was he born in Mississippi? A Yes sir, born and raised there.
Q Was his father, Stanley, living in Mississippi in 1830? A I dont know; he died back there; I heard him speak of it; he died in Mississippi during the war.
Q How old would he be if living now, your grandfather? A I dont know how old he would be, sure.
Q Do you know of any Choctaw ancestor of yours who lived on land in Mississippi or Alabama in the old Choctaw Nation for five years, and at the end of that time received a patent for that land from the government under article 14 of the treaty of 1830? A No, I dont know anything about his relations back there.
Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know anything about whether they did or not.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, In-

dian Territory, with the other Indians between 1833 and 1838 or '40? A I couldn't tell you whether they did or not.

Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 ad the date of this application made by you today, for the purpose of making a home or permanent residence in the Choctaw Nation, Indian Territory? A No sir, I couldn't tell you, sure.

Q Do you know if any of your Choctaw ancestors owned any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830? A I couldn't tell you whether they did or not.

Q Did any of them go before the Commission appointed by act of Congress approved March 3rd, 1837, or the Commission appointed by act of Congress approved August 23rd, 1842, and claim any benefits under article 14 of the treaty of 1830? A I dont know; I dont know much about his relations except what lives up there by me.

These Commissions were appointed by Congress under various acts, because of the complaint of Choctaw Indians who stated that they had gone to Colonel William Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830 and had attempted to register under article 14, but that he had refused to take their names for registration, and because of his refusal to do this the government had taken their land from them and sol it.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Yes sir, they have drawed money.

Q But did they receive any scrip? A I dont know.

This scrip was not money, but was certificates which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land the government had taken from them and sold.

Q You never heard that they got any of that? A No sir.

Q Do you speak the Choctaw language? A No sir, I cant speak it; I was raised mostly among white people; I had a good many farms there, but I was raised among white people.

Q You cant speak Choctaw? A No sir.

Q Yousay your father was one-half Choctaw? A Yes sir.

Q What was his other blood? A White.

Q What was your mother's blood? A She was white; she claimed Cherokee, but she never did prove it up.

Q You have no colored blood? A No sir, not that I know of.

Q You dont claim to have any colored blood at all? A No sir.

Q Then you claim part Choctaw and white through your father, and part Cherokee and white through your mother? A I dont claim any Cherokee only just what she said.

Q But your blood is actually part Cherokee through your mother? A I dont know whether she has any Cherokee except what she said.

Q What did shesay about it? A She said she had some Cherokee,

but she never did go to see about it.
Q Have you any other evidence that you want to present now in support of your claim? A

By Mr Heard: We would like thirty days time.

By the Commission: Thirty days time is allowed this applicant in which to introduce other proof if he desires in support of this application

By Mr Heard:
Q What relation are you to Captain Stanley of Atoka? A He is my cousin.
Q Is he a delegate for the Choctaw Nation in Washington? A Yes sir.
Q Is he on the tribal rolls? A Yes sir.
Q And represents the Choctaw Nation in Washington? A Yes sir,in Washington.
Q You stated to the Commission that your father was one-half; then if he was one-half your grandparent must have been,--- do you know actually how much blood your grandparent had? A No sir.
Q You cant say how much blood he had? A No sir.
Q But you do say that your father was one-half? A Yes sir, he claimed one-half.
Q Have you a farm in the Choctaw Nation? A Yes sir.
Q Have you issued permits to your tenants all the time? A Yes sir.
Q Ever since you have been raised there you have been holding your farms and issuing permits? A Yes sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from mixed ancestry, of white and Indian blood; he does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 15th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 22 day of January, 1903.

Charles N Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. November 12, 1906.

In the matter of the alleged application for the enrollment of Albert Standley as a citizen of the Choctaw Nation.

ALBERT STANDLEY, being first duly sworn, testifies as follows:

By the Commissioner:

Q What is your name? A Albert Standley.
Q How old are you? A Thirty-two.
Q How long have you lived in the Indian Territory? A All my life.
Q Have you ever in any manner been recognized by the Choctaw tribal authorities as a c tizen by having any money paid you or having your name placed on any tribal rolls? A I have had no money paid to me.
Q Have you ever personally, prior to this time, appeared before the Commissioner to the Five Civilized Tribes and made application for enrollment as a citizen? A Yes sir.
Q Have you any evidence to show that fact, any documentary evidence to show that you have made application for enrollment? A Yes sir, I have. The name got misplaced----
Q Where did you make application; have you ever personally, for yourself, made any application to be enrolled as a Choctaw citizen? A Yes sir.
Q Where? A Here.
Q When? A Three years ago.

The records of the office of the Commissioner to the Five Civilized Tribes fail to show any application made by or on behalf of Albert Standley for enrollment as a citizen of the Choctaw Nation prior to December 1, 1905.

There is filed herewith a letter of the Commissioner to the Five Civilized Tribes of October 17, 1906, addressed to Albert Stanley, advising him of his right to appear before the Commissioner for the purpose of establishing whether any application was made for his enrollment as a citizen of the Choctaw Nation within the time prescribed by law.

Q Have you anything more you want to say? A I believe that's all. I was here three years ago.
Q Have you any documentary evidence to show that---anything in writing? A It ought to be in here. (Witness presdnts copy of decision in Choctaw Allotment Contest No. 127).

Q You want to file that? A Yes sir.

The applicant offers and there is filed by him as a contention that an application was made for his enrollment, a copy of the decision of the Commission to the Five Civilized Tribes of October 10, 1904, in Choctaw Allotment Contest No. 127, entitled Richard P. Jennings, contestant, vs. McCurtain Lester, a minor, by his mother and natural guardian, Alice Lester, contestee.

Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this 15th day of November, 1906.

Walter W. Chappell
Notary Public.

COPY. M C R 6389

Tishomingo, Indian Territory, August 1, 1903.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Buck Stanley applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Buck Stanley, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

M C T 3589

COPY.

Muskogee, Indian Territory, August 1, 1903.

Buck Stanley,

Eufaula, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Buck Stanley an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Buck Stanley, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Registered.

M C R 558

COPY.

[illegible], Indian Territory, [illegible], 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Buck Stanley [illegible] for identification as a [illegible]-Blood Choctaw.

This application was made under the provision of the act of Congress of June 21, 1902 (32 Stats., 425):

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Buck Stanley, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Buck Stanley applicant to the Commission for identification as a Mississippi Choctaw including the decision of the Commission of August 1, 1903.

The Commission has the honor to report that the applicant herein his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 enclosures M C R 6589

M C R 6589

Muskogee, Indian Territory, November 25, 1903.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory,

Dear Sir:

Mr. A. S. McKennon, of South McAlester, Indian Territory, who today personally visited this office, requested that your office be advised relative to the status of the citizenship of one Buck Stanley. Mr. McKennon advises this office that Buck Stanley was a contestant or a contestee in an allotment contest case before your office.

You are advised that on August 1, 1903, the Commission rendered a decision refusing the application of Buck Stanley for identification as a Mississippi Choctaw. On August 17, 1903, the record in this case, together with the decision of the Commission, was transmitted to the Secretary of the Interior, but this office has not, up to this date, been advised of any departmental action relative thereto.

Respectfully,

Chairman.

(COPY).

D E P A R T M E N T O F T H E I N T E R I O R ,

OFFICE OF INDIAN AFFAIRS,

W A S H I N G T O N, December 14, 1903.

Land:
53568-1903.

The Honorable

The Secretary of the Interior.

Sir:-

I have the honor to invite your attention to record of the Commission to the Five Civilized Tribes in the matter of the application of Buck Stanley for identification as a Mississippi Choctaw, wherein he was rejected by the Commission on August 1, 1903.

The record in this case shows that the applicant founds his claim to a right to identification on his descent from ... Stanley, his grandfather, through Frank Stanley, his father. It is claimed that his grandfather was a Choctaw Indian who resided in Mississippi until his death, but as to whether he was the head of a Choctaw family in 1830, and as such complied, or attempted to comply with the provisions of the 14th article of the treaty of that year, the witness is unable to state. Neither is he able to give any information as to the holding of property by his grandfather obtained as a result of his Choctaw citizenship.

The Commission rejected the applicant for the reason that the name of his grandfather Stanley did not appear upon the records of the Commission as having complied, or attempted to comply with the provisions of the treaty, and that his father, Frank Stanley, was not of a sufficient age to have been in existence in 1830.

An examination of the records of this office with reference to the surname of Stanley, and the name of Frank Stanley, shows that neither of these names appears among the names of those Choctaw Indians who complied, or attempted to comply with the provisions of the 14th article of the treaty of 1830. I am therefore of the opinion that the decision of the Commission rejecting the applicant was correct, and recommend that it be approved.

Very respectfully,

W. A. Jones,

Commissioner.

E.B.H.(B.)

WCF
FHE

D E P A R T M E N T O F T H E I N T E R I O R,

W A S H I N G T O N, December 21, 1903.

D.T.35254-1903.
ITD 8860-1903.
L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 17, 1903,you transmitted the record in the case involving the application of Buck Stanley for identification as a Mississippi Choctaw, including your decision of August 1, 1903, rejecting his application.

The evidence shows that the applicant's grandfather was named Stanley, given name not stated, and that he lived in Mississippi in 1830.

Neither the evidence furnished by the record, nor the records of the Indian Office, show that said ancestor ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter December 14, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed

The Department concurs in said recommendation, and your decision rejecting the applicant is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 6589.

Muskogee, Indian Territory, December 31, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Buck Stanley for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 1st day of August, 1903.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

M.C.R. 6589.

(COPY)

Muskogee, Indian Territory, December 31, 1903.

Buck Stanley,

Eufaula, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

Tams ...

Chairman/

M.C.R. 6589/

COPY.

Muskogee, Indian Territory, December 31, 1903.

S. Heard,

Attornry-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Buck Stanley for identification as a Mississippi Choctaw of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

(SEAL) Tams Bixby

Chairman.

M C R 6589

Muskogee, Indian Territory, September 27, 1904.

O'Reilly & Owen,

Attorneys-at-Law,

Eufaula, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing letter from A. F. McCarr, of this City, relative to one Buck Stanley, a Mississippi Choctaw applicant. You ask that the Commission advise you fully as to the status of this applicant.

In reply to your letter you are informed that on December 17, 1903, the Secretary of the Interior approved the decision of the Commission, refusing the application made by Buck Stanley for identification as a Mississippi Choctaw, of which departmental action he was duly notified on December 31, 1903.

The Commission now considers this case closed and it is not believed that Buck Stanley is in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The letter of Mr. A. F. McCarr enclosed by you is herewith returned.

Respectfully,

JD 2-27

Chairman.

6589 No. 6589

For Identification as a Mississippi Choctaw.

JAN 15 1903
Date

Name Brent Stanley.

Age 26 - Blood 1/4

Post Office. Eufaula. I. T.

Father: Frank E Stanley. } d.

Mother: ~~Ella~~ Silva " } d.

Claims through father 1/2. -

~~Children~~

Claims for self alone

Stenographer W. H. Martin.

Buck. Stanley

ISION PREPARED

Choctaw MCR 6590

William A. Robinson

MCR 6590

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William A. Robinson, et al., for identification as Mississippi Choctaws, M.C.R. 6590.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of William A. Robinson, et al. to the Dawes Commission for identification as Mississippi Choctaws----------	1
Additional testimony of William A. Robinson----------	6
Commission to take the deposition of Martha Ray--------	7
Caption to deposition of Martha Ray----------	8
Interrogatories propounded to Martha Ray----------	9
Cross interrogatories propounded to Martha Ray---------	13
Certificate of J. S. Johnson----------	19
Envelope which contained the deposition of Martha Ray----	20
Commission to take the deposition of L. B. Ray---------	21
Caption to deposition of L. B. Ray----------	22
Interrogatories propounded to L. B. Ray----------	23
Cross interrogatories propounded to L. B. Ray----------	27

Certificate of J. S. Johnson---------- 33

Envelope which contained the deposition of L. B. Ray--- 34

Commission to take the deposition of J. H. Garner------ 35

Caption to deposition of J. H. Garner---------- 36

Interrogatories propounded to J. H. Garner---------- 37

Cross interrogatories propounded to J. H. Garner------- 41

Certificate of J. S. Johnson---------- 47

Envelope which contained the deposition of J. H. Garner 48

Decision of the Commission refusing the application of William A. Robinson, et al., for identification as Mississippi Choctaws---------- 49

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M.C.R. 6590.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory.
May 1, 1903.

In the matter of the application of William A. Robinson, et al., for identification as Mississippi Choctaws.

Additional Testimony.

Now on this first day of May, 1903, appears William A. Robinson, principal applicant in this case, and offers in evidence what purports to be a Family Record showing the dates of birth of the applicant's father, Josiah Robinson, and his (Josiah Robinson's) brothers and sisters, of which record the following is a copy, the original not being in condition to be filed:

Copy.

Family Record.

Josiah Robinson was born Oct. 15th, 1829.
Alexander Robinson was born Decr. the 27th, 1831.
Pernina Robinson was born Sept. the 15th, 1833.
Martha Jane Robinson was born Sept. the 3rd, 1835.
William Robinson was born Aug. the 3rd, 1837.
Wilson Robinson was born Oct. the 10th, 1840.
Hilliard Robinson was born Oct. the 29th, 1842.
Green Tyre Robinson was born March the 15th, 1848.
Miles Robinson was born Feb. 7th, 1851.
Amanda Robinson was born Sept. the 5th, 1852.

Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 1st day of May, A.D. 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Beryl Ingram

Subscribed and sworn to before me this 5th day of May, 1903.

Charles Ko. Haskell

Notary Public.

#6590.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 15, 1903.

In the matter of the application of William A. Robinson for the identification of himself and his four minor children, Margaret, Robert, Ether, and Alice Robinson, as Mississippi Choctaws.

John D. Lee, attorney for applicants, represented at this hearing by S. Heard.

William A. Robinson being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A William A. Robinson.
Q What is your age? A 53.
Q What is your post office address? A Corsicana, Texas.
Q How long have you been living in Corsicana, Texas? A I have been living there,-- I dont know exactly how long right there,-- but I have been in Texas 24 years.
Q Where did you live before you lived in Texas? A Mississippi.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A In Lafayette County.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Josiah Robinson.
Q What was your mother's name? A Middie Robinson.
Q Through which parent do you claim Choctaw blood? A I am claiming through my grandfather.
Q But through which parent, father or mother? A My father.
Q How much do you claim? A Well, I am only claiming,-- well, he was a full blood, my grandfather,-- must have been.
Q Your father then was one-half? A Yes sir.
Q And you are one half of that, how much is that? A Thats one-fourth I reckon.
Q Do you claim one-fourth then? A Yes sir.
Q Was your father ever recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, not that I know of.
Q Do you know when and where your father and mother were married? A They was married in Mississippi.
Q Do you know where in Mississippi? A No sir, they was married in Lafayette County I suppose.
Q Do you know when? A No sir.
Q Have you the proof of their marriage with you now? A No sir.
Q Are you married? A Yes sir.

Q Wife is living? A Yes sir.
Q What is your wife's name? A Middie, same name as my mother.
Q Now, is she a Choctaw Indian or a white woman? A She's a white woman.
Q Do you make any claim for your wife? A No sir.
Q Have you any minor Children? A Yes sir, four.
Q What is the name of the oldest child? A Margaret.
Q How old? A She's about 17.
Q What is the name of the next one? A Bob.
Q Is that Robert? A Yes sir.
Q How old is Robert? A He's between 15 and 16.
Q Do you want to call him 15? A Yes sir, he's about 15.
Q What is the name of the next one? A Ether.
Q How old is she? A She's about 11 years old.
Q The next? A Alice.
Q How old is she? A She's 9 years old.
Q Is that all? A Thats all; thats my baby.
Q Is Middie Robinson, your wife, the mother of these four children? A Yes sir.
Q Were either you or your wife married before you married each other? A No sir.
Q Are these children living with you and your wife at your home? A Yes sir.
Q When were you married to your wife, Middie? A I was married in Mississippi, but I dont recollect what time.
Q Were you married by a minister under a license? A Yes sir.
Q Have you the proof of your marriage with you at the present time? A No sir, I have not.
Q Is your name on any of the tribal rolls of the Choctaw Nation, with your children, in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation, with your children, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Sir?
Q Do you understand article 14? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830. The object of that treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14

was put into the treaty of 1830. The treaty was then signed and afterwards became ratified on the 24th day of February, 1831. That article that was put into this treaty for the benefit of the Mississippi Choctaw Indians, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such Child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with that article of that treaty? A No sir.
Q What is the name of your ancestor through whom you claim your right to be identified now as a Mississippi Choctaw? A William Robinson.
Q What relation was he to you? A My grandfather.
Q How much Choctaw blood did he have? A He must have been a full blood.
Q How do you know he was a full blood Choctaw? A Only by what they say; he was an Indian doctor.
Q Who told you he was a full blood Choctaw? A Mr. Gardner.
Q Who is Mr. Gardner? A Mr. Gardner lives in Tennessee.
Q Is he a white man or Indian? A He's a white man.
Q How did he happen to know anything about William Robinson, your grandfather? A He was nearby him.
Q Is that the only information you have? A No sir, I have got others.
Q Well, give me the names? A Mr. Ray.
Q Who is he? A Berry Ray is my uncle.
Q Where does he live? A He lives in Tennessee.
Q How old a man is he? A He is old.
Q Is he an Indian or white man? A He's a white man.
Q Who else told you that William Robinson, your grandfather, was a full blood Choctaw? A My aunt.
Q Is she living? A Yes sir.
Q Where does she live? A Right there in Tennessee.
Q Whereabouts in Tennessee? A Carroll County.
Q Whats her name? A Martha Ray she's named now.
Q How old is she? A She is along about 60 I think.
Q Do you know whether your grandfather, William Robinson, lived in Mississippi in 1830 and was the head of a family there then? A Yes sir, thats what they tell me.
Q These people told you so? A Yes sir.

Q Some of them did not live in 1830; they were not born until later; how did they know William Robinson lived in Mississippi in 1830, before they were born? A Well, I dont know about that.

Q Now, do you know whether William Robinson went to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and told him that he wanted to stay in Mississippi, take land there and become a citizen of the states? A No sir.

Q Do you know whether any of your Choctaw ancestors lived on land in the old Choctaw Nation either in Mississippi or Alabama in 1830, and after living on it for five years whether they received a patent of the land from the government under article 14 of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1837 and 1838 or '40? A Not that I know of.

Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A Not that I know of.

Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830 or 1831? A Not that I know of.

Q Did any of them go before the Commission of 1837 or the Commission of 1842, and prove, or try to prove, their rights under article 14 of the treaty of 1830? A No sir.

These Commissions were appointed by various acts of Congress because of the complaint of Indians who stated that they had gone to Colonel Ward within six months after the ratification of the treaty of 1830, and attempted to register under article 14 of that treaty, but that Colonel Ward had refused to accept their names for registration, and because he had refused to do this the government had taken their land from them in the old Choctaw Nation and sold it.

Q Do you know whether any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land they had formerly held, and which the government had taken from them and sold? A No sir.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any other evidence that you want to present at this time? A No sir.

Q Have you any relatives who have been before the Commission? A No sir.

By Mr Heard, representing applicant:
Q I will ask you,-- you spoke of a witness that knew your grandfather was an Indian Doctor; is there any tradition in the family as to the amount of blood your grandfather had; has there anything been taught you by members of your family? A They taught me he was a full blood.
Q What was the name of this witness who said he was an Indian Doctor? A Gardner.
Q He lives in Tennessee? A Yes sir.

Your Honor, we will take thirty days time.

By the Commission: Thirty days time is allowed this applicant in which to introduce other evidence in support of this application, if he desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; his hair and whiskers are now somewhat gray.

Q What was the color of your hair once? A Just a coal black.

He states his hair was formerly black; his eyes are brown; his complexion medium dark. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 15th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 22 day of January, 1903.

Charles N. Sawyer
Notary Public.

Ex

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of William A. Robinson, et al., for identification as Mississippi Choctaws, M.C.R. 6590.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by William A. Robinson for himself and his four minor children, Margaret, Robert, Ether and Alice Robinson, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of William Robinson, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Robinson, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William A. Robinson, Margaret Robinson, Robert Robinson, Ether Robinson and Alice Robinson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles.
COMMISSIONER.

C. R. Breckinridge.
COMMISSIONER.

W. E. Stanton.
COMMISSIONER.

Muskogee, Indian Territory,

AUG 5 1903.

M.C.R. 6590

Muskogee, Indian Territory, January 30, 1903.

William A. Robinson,

Corsicana, Texas.

Dear Sir:-

The Commission is in receipt of the interrogatories to be propounded to Martha Ray, L. B. Ray and J. H. Gardner, to be read in evidence in the application which you make on behalf of yourself and four minor children, for identification as Mississippi Choctaws. Said interrogatories are in due form and the proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations is likewise in due form, but these documents are returned to you for the reason that you have failed to file with the Commission your affidavit setting forth the reasons why you desire to have the depositions taken, and that the testimony of said witnesses is material to your claim, as provided for in Rule 2 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules is herewith enclosed you.

A commission to take depositions will not be issued until

these rules have been strictly complied with.

Respectfully,

Commissioner in Charge

Enclosure
G.H. 20

Rules and Regulations

M.C.R. 5690.

Muskogee, Indian Territory, February 3, 1903.

John D. Lee,

Attorney at Law.

Corsicana, Texas.

Dear Sir:-

The Commission is in receipt of your communication of January 24, 1903 enclosing the affidavit of W. A. Robinson, wherein he states that he desires to have the depositions of Martha Ray, L. B. Ray and J. H. Gardner taken in support of his application for identification as a Mississippi Choctaw, from interrogatories attached to said affidavit. These documents together with the proof of service of a copy of the interrogarories upon the attorneys for the Choctaw and Chickasaw Nations are in due form and have been filed and made part of the record in the application of William A. Robinson, applicant for identification as a Mississippi Choctaw, and when the required time has elapsed for the filing of cross interrogatories by the attorneys f r the Choctaw and Chickasaw Nations, a commission will be issued for the taking of these depositions and will be forwarded to you to be placed in the hands of an officer authorised by law to take depositions.

Respectfully,

C D. Acting Chairman.

M.C.R. 6690

Muskogee, Indian Territory, February 9, 1903.

John B. Lee,
Attorney at Law,
Corsicana, Texas.

Dear Sir:-

Enclosed please find a commission to take the deposition of Martha Ray upon interrogatories and cross interrogatories thereto attached, in the application of William A. Robinson, et al. applicants for identification as Mississippi Choctaws. Attached to said commission are a caption and certificate which are to be filled out by the notary before whom said deposition is taken.

You will have these documents placed in the hands of an officer authorized by law to take depositions and immediately upon the taking thereof have same returned to this Commission, in order that the application to which they relate may be brought to an early determination.

Respectfully,

Acting Chairman

Enclosure
C.H. 7

M.C.R. 6590.

COPY.

Muskogee, Indian Territory, August 5, 1903.

William A. Robinson,

Corsicana, Texas.

Dear Sir:-

You are hereby advised that on the 5th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William A. Robinson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 195) which is as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William A. Robinson, Margaret Robinson, Robert Robinson, Ether Robinson and Alice Robinson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

W. A. R. 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. F. Wardlaw.

Commissioner in Charge.

Registered.

M. C. R. 6590.

COPY.

Muskogee, Indian Territory, August 5, 1903.

John D. Lee,
Attorney at Law,
Care of S. Heard,
Tishomingo, Indian Territory.

Dear Sir:-

You are hereby advised that on the 5th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William A. Robinson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William A. Robinson, Margaret Robinson, Robert Robinson, Esther Robinson and Alice Robinson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

J. D. L.

You are further advised that applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Register.

M. C. R. 6590.

COPY.

Muskogee, Indian Territory, August 5, 1903.

Mansfield McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 5th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William A. Robinson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William A. Robinson, Margaret Robinson, Robert Robinson, Ether Robinson and Alice Robinson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

COPY.

[illegible], Indian Territory, August [illegible], 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William A. Robinson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 3, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
2 Encs. M.C.R. 6590.

Muskogee, Indian Territory, August 5th, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith, for consideration in connection with the application of William A. Robinson, et al. for identification as Mississippi Choctaws, a motion of J. W. Scott, their attorney, for additional time within which to introduce evidence in support of this application.

Respectfully,

Chairman.

M C R 6590

Through the Commissioner
of Indian Affairs.

M.C.R. 6500

Muskogee, Indian Territory, August 28, 1903.

J. W. Scott,

Attorney at Law,

Corsicana, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 24, transmitting motion for additional time within which to submit evidence in the matter of the application of William A. Robinson, et al for the allotment as Mississippi Choctaws, for the consideration of the Secretary of the Interior, and the same has been this date submitted to the Secretary of the Interior for consideration in connection with this case, the record in which was forwarded on August 21, 1903.

Respectfully,

Chairman.

COPY.

JWH.
FHE.

D E P A R T M E N T O F T H E I N T E R I O R ,

W A S H I N G T O N, November 14, 1903.

D.C.32041-1903.
I.T.D. 7880-1903.
L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 21, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of William A. Robinson, for himself and his four minor children, Margaret, Robert, Ether and Alice Robinson, including your decision of August 5, 1903, refusing to identify them as such.

Claiming identification as Mississippi Choctaws, it was incumbent upon these applicants to produce satisfactory evidence, oral or documentary, showing directly that they are lineal descendants of some person who complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto. If unable to produce such evidence furnishing directly the required proof, they should at least have furnished satisfactory evidence showing that some one of their ancestors was identical in person with some one whose name appears in the records of the government as a person who was entitled to the benefits of said article .

The evidence furnished by the principal applicant shows that he was born in Lafayette County, Mississippi, in 1850; that he obtained his Choctaw blood from his father, Josiah Robinson, who was born in 1829, and who lived in Mississippi until after the civil war, and that said Josiah Robinson was the son of a full blood Choctaw named William Robinson, who was a resident of Mississippi and the Choctaw head of a family in 1830.

The testimony furnished by the witnesses appearing in behalf of these applicants, harmonizes in most respects with that furnished by the principal applicant, the points of difference being that it is stated by said witnesses that William Robinson removed from Mississippi to Carroll County, Tennessee, in 1830, where in the following year he married one Bettie Nesbitt.

In his report of November 2, 1903, the Commissioner of Indian Affairs stated that an examination of the records of his office failed to show that William Robinson was one of the persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830. He further stated, however, that there was a Louis Robinson or Robertson who received land under said article, and who had two children under ten years of age at the date of the treaty whose names do not appear in his records. Considering it possible that William Robinson, the grandfather of the principal applicant, was identical in person with one of the minors refered to above, the Commissioner recommended that

the case be remanded to you in order that the applicants might have an opportunity to establish their relationship to the Louis Robinson or Robertson referred to above.

As the testimony furnished by the principal applicant differs slightly from that furnished by his witnesses, the testimony of each will be considered in connection with the information furnished by the Commissioner of Indian Affairs. If, as the applicant claims, his father was born in 1829, it is not believed that the latter's father, viz: William Robinson, could have been identical in person with either of the minor children of Louis Robinson, who were under ten years of age at the date of the treaty. If the applicants' witnesses are correct, William Robinson removed from Mississippi the year of the treaty, and was not the head of a Choctaw family at the date thereof. Marrying as he did, in 1831, it seems impossible that he could have been one of the children referred to above who were under ten years of age in 1830.

In view of the considerations enumerated above, the Department is unable at this time, to concur in the recommendation of the Commissioner that the case be returned to you for further investigation. Your decision is hereby affirmed. A copy of the Commissioner's letter is inclosed.

Referring to the motion of J. W. Scott, attorney for the applicants, requesting a rehearing, which was transmitted with your letter of August 25, 1903, you are directed to advise him that it appears from the records of the Depart-

ment that one John W. Scott of Iola, Kansas, was admitted in 1891 to practice before it, but that the Department is not warranted in concluding that the said J. W. Scott referred to above is identical in person with the said John W. Scott. In so advising Mr. Scott you will return to him the said motion for a rehearing, which is inclosed herewith, and inform him that he cannot be recognized as an attorney in the case until he has been admitted to practice before the Department in accordance with its regulations, a copy of which, with the form of oath required, is also inclosed, to be forwarded to Mr. Scott.

Respectfully,

Thos. Ryan,
Acting Secretary.

4 inclosures.

COPY.

D E P A R T M E N T O F T H E I N T E R I O R ,

O F F I C E O F I N D I A N A F F A I R S ,

Land. W A S H I N G T O N , Nov. 8, 1903.
54334-1903.
54447-1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes, in the matter of the application of William A. Robinson, for himself and his four minor children, Margaret, Robert, Ethel and Alice Robinson, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission August 5, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from William Robinson, who is alleged to have been a full blood Choctaw Indian and a resident in Mississippi at the time of the making of the Choctaw Treaty of 1830.

The Commission give as their reasons for rejecting the applicants that the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the Fourteenth Article of the

Treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

A careful examination of the records of this office has been made with reference to the name of William Robinson, and it is discovered that his name does not appear among the names of those who complied or attempted compliance with the provisions of the said article of said treaty; but there was a Louis Robertson or Robinson whose name appears as having received land, who has two children under ten years of age, the names of whom do not appear. It is possible that the William Robinson claimed under was one of these children, but there is nothing on the records of this office that would so indicate.

August 25, 1903, there was received by this office under separate cover a petition requesting that the applicants be allowed time to secure further evidence in reference to their alleged ancestor. In view of what the records of this office set forth, I am of the opinion that they should be granted an opportunity to secure such evidence as they deem fit to establish the identity of this William Robinson with the Louis Robertson or Robinson or his children as above mentioned.

It is therefore respectfully recommended that this case be remanded to the Commission, and that they be directed to notify the applicants that they will be granted further time in which to submit affidavits or other properly authenticated papers in support of this application.

Very respectfully,

W. A. Jones,
Commissioner.

C.T.C.-L.C.

M C R 6590

Muskogee, Indian Territory, December 3, 1903.

J. W. Scott,

Attorney at Law,

Corsicana, Texas.

Dear Sir:

You are hereby notified that on the 14th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of William A. Robinson, et al., of which decision the principal applicant, William A. Robinson, was advised by registered mail on the 5th day of August, 1903.

The Secretary of the Interior, in his letter of November 14, 1903, affirming the decision of the Commission in this case, states:

"Referring to the motion of J. W. Scott, attorney for the applicants, requesting a rehearing, which was transmitted with your letter of August 25, 1903, you are directed to advise him that it appears from [redacted] records of the Department that one John W. Scott of Iola, Kansas, was admitted in 1891 to practice before it, but that the Department is not warranted in concluding that the said J. W. Scott referred to above is identical in person with the said John W. Scott. In so advising Mr. Scott you will return to him the said motion for a rehearing, which is inclosed herewith, and inform him that he cannot be recognized as an attorney in the case until he has been admitted to practice before the Department in accordance with its regulations, a copy of which, with the form

J W B 2

of oath required, is also inclosed, to be forwarded to Mr. Scott."

The papers above mentioned are forwarded you herewith.

Respectfully,

Jame Dixby.

Chairman.

McM 36

M.C.R. 6590.

Muskogee, Indian Territory, December 3, 1903.

William A. Robinson,

Corsicana, Texas.

Dear Sir:

You are hereby notified that on the 14th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William A. Robinson et al., of which decision you were advised by registered mail on the 5th day of August, 1903.

Respectfully,

Chairman.

M.C.R. 6590.

Muskogee, Indian Territory, December 5, 1903.

William A. Robinson,

Corsicana, Texas.

Dear Sir:

You are hereby notified that on the 14th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William A. Robinson et al., of which decision you were advised by registered mail on the 5th day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 6590.

Muskogee, Indian Territory, December 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 14th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William A. Robinson et al., of which decision you were advised by mail on the 5th day of August, 1903.

Respectfully,

Tams Bixby

Chairman.

In re Application
W. A. Robinson for Identification
as a Mississippi Choctaw Indian.

Claim pending before the
Commission to the Five
Civilized Tribes.

Before the undersigned authority, Came this day W. A. Robinson, applicant-for Identification as a Mississippi Choctaw Indian who being sworn says; That he has filed with said Hon. Commission to the Five civilized Tribes certain interrogateries to Martha Ray, L. B. Ray and J. H. Gardner who reside in Carroll County Tennessee and all of whom are non residents of the Indian Territory and also non residents of the state-of Mississippi; And also are each and all unable from age and infirmity-to personally appear before the Hon. Commission to the Five Civilized Tribes. Applicant further now shows that the testimony of each and all of said above named witnesses is material to his claim, and to the proof and establishment thereof. That by each and all of said witnesses he seeks to prove and expects to prove, that he is a lineal descendant of wm. Robinson who was a Mississippi Choctaw and included in or embraced- by the Act of Congress which resulted in the treaty between the Government and the Mississippi Choctaws Concluded Sept. 27th. 1830. That the said wm. Robinson was applicants grandfather, and is now dead, and that he resided in Mississippi in 1830 and prior thereto and was a Choctaw Indian Dector. That the foregoing is the substance of the testimony sought to be elicited from said witnesses as will appear from an inspection of the interrogateries to them (herein filed and here referred to and made part hereof.

his
W. A. Robinson
mark

Sworn to and subscribed before me this 24th. day of January, 1903.

Notary Public, Navarro County, Texas.

M. C. R. 6590.

M C H

In re

Application of W. W. Robinson, for identification as a

Freedman Choctaw Indian.

Testimony before the Commission to the Five Civilized Tribes, at

Ardmore, I. T., [illegible].

Appearances: [illegible] Attorney for the Choctaw and

Chickasaw Nations:

[illegible].

It is hereby certified that no application

[illegible] for identification [illegible] Five Civilized

Tribes [illegible] Commission [illegible] Choctaw and

Chickasaw Nations [illegible] Commission [illegible]

[illegible] Commission [illegible] Commission [illegible]

[illegible] Commission [illegible] Commission [illegible]

[illegible] Commission

Josiah

Geo. D. Lee

I. B. F. Hackett, U. S. Marshal, hereby certify that I served the within and foregoing Interrogatories ~~xx~~ on Mansfielf, McMurray & Cornish, Attorneys for Choctaw & Chickasaw Nations on Indians, by delivering to George Mansfield, a member of said firm, a true copy thereof, at the office of said Mansfield, McMurray & Cornish in the city of South McAlester, I. T. this 15th day of January 1903 at 10:05 o'clock A. M.

BENJ. F. HACKETT,
U. S. Marshal.

By E. T. Miller
Deputy.

6890 No. 6590

For Identification as a Mississippi Choctaw.

JAN 15 1903

Date.

Name William A. Robinson

Age 53 Blood 1/4

Post Office. Corsicana, Texas.

Father Josiah Robinson } d.

Mother Middie " } d.

Claims through father 1/2

Wife,
Middie Robinson, l. w.
No claim for wife.

Children

Margaret Robinson.		17
Robert	"	15.
Ether	"	11
Alice	"	9

6 claims for self and children

Stenographer W. D. Marlin.

Choctaw MCR 6591

Cam J. Malone

MCR 6591

#6591.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 15, 1903.

In the matter of the application of Cam J. Malone for the identification of himself, his three children, Otto C., Willie Maurine, and Feaster McSpadden Malone, his sister, Georgia L. Smith, his niece, Minnie Belle Smith, and his nephew, Polk Leander Smith, as Mississippi Choctaws.

A. B. Person and Harry L. Person, attorneys for applicants.

Cam J. Malone being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Cam J. Malone.
Q What is your age? A 33.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived there? A I have been there about 22 years I think.
Q Where did you live before you lived in Ferris, Texas? A In east Texas, Van Zant county.
Q Were you born in Texas? A Yes sir.
Q What is your father's name? A George L. Malone.
Q Is he living? A No sir.
Q What is your mother's name? A Emma Malone.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Do you make application also for your sister, Georgia L. Smith? A Yes sir.
Q And her daughter, Minnie B. Smith? A Yes sir.
Q Is your authority to make such applications these powers of attorney which you present now, signed, one by your sister, Georgia L. Smith, and the other by your niece, Minnie B. Smith? A Yes sir.

The power of attorney of Georgia L. Smith, authorizing this applicant, Cam J. Malone, to represent her before the Commission in making her application to be identified as a Mississippi Choctaw, is presented by him, received, filed, marked "Exhibit A", and made a part of the record in this case.

Also the power of attorney signed by Minnie B. Smith is presented by this applicant, authorizing him to represent her

in her application for identification before the Commission as a Mississippi Choctaw, received, filed, marked "Exhibit B", and made a part of the record in this case.

And a certificate signed by James B. Honeycutt, M. D., is also presented by this applicant, giving the reason why these powers of attorney were made, one by Georgia L. Smith and the other by Minnie B. Smith, authorizing Cam J. Malone to represent them before the Commission, received, filed, marked "Exhibit C", and made a part of the record in this case.

Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know, sir.
Q Do you know when and where your father and mother were married? A Yes sir, they were married in Van Zant County, Texas.
Q What day of the onth and year? A I dont know, I have the certificate here. (Presents paper)
Q You want to file this in this case? A I expect my mother would want to keep it; t at was torn out of the Bible.
Q You would like to present this proof of the marriage of George L. Malone, your father, and Emma D. McSpadden, by certified copy? A Yes sir.

A reasonable time will be allowed this applicant in which to file a certified copy of the certificate of the marriage of his father and mother.

Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q Do you make any claim for her? A No sir.
Q What is her name? A Bertha D. Feaster.
Q That was her maiden name? A Yes sir.
Q Now Bertha D. Malone; have you any children that you want to make application for? A Yes sir, I have three.
Q Give me the name of the oldest? A Otto. C.
Q How old is Otto? A He is six year old; born June 27, 1896.
Q What is the name of the next child? A Willie Maurine.
Q A girl? A Yes sir.
Q How old is she? A She was born July 18, 1898, she would be three.
Q What is the n me of the next child? A Feaster McSpadden.
Q Is that a boy? A Yes sir.
Q How old is he? A He was born the 30th of December, 1902.
Q About two weeks old? A Yes sir.
Q You claim for yourself and these three children? A Yes sir.
Q Is your wife, Bertha, the mother of these children? A Yes sir.
Q And you and she are livin together at your home and the children living with you? A Yes sir.
Q Have you the proof of your marriage to your wife with you now? A Yes sir. (Presents a paper)
Q Is this acertified copy? A Yes sir.

Certified copy of the marriage license of C. J. Malone, this applicant, and Miss Bertha Feaster, presented by applicant, received, filed, marked "Exhibit D", and made a part of the record in this case.

Q Have you any other persons that you want to make application for except yourself and children? A Yes sir.
Q What is your sister's name, the one you are making application for? A Georgia L. Smith.
Q Is she your full sister? A Yes sir.
Q Her father is George L. Malone? A Yes sir.
Q And her mother is Emma Malone? A Yes sir.
Q What is her post office address? A Denton, Texas.
Q What is her age? A She is about 40 or 41 years old I think.
Q How much Choctaw blood do you claim for her? A One-sixteenth.
Q Your sister then, Georgia L. Smith, claims her Choctaw blood through her father, George L. Malone? A Yes sir.
Q How much Choctaw blood do you claim your father had? A About one-eighth I think.
Q Do you wish to make application for any other persons besides yourself, your children and your sister? A And her children.
Q Do you want to make application for her children? A Yes sir.
Q Are they both under age? A No sir, Minnie is of age.
Q And the other is a minor? A Yes sir.
Q What is the full name of your sister's oldest child that you want to make application for? A Ninnie Belle Smith.
Q How old is she? A She will be 22 her next birthday.
Q She is 21 now? A Yes sir.
Q How much Choctaw blood do you claim for her? A One-sixteenth.
Q She claims her Choctaw blood through her mother? A Yes sir.
Q What is her father's name? A J. K. P. Smith.
Q What is his blood or nationality? A I think he is a patent right man.
Q What is his blood, is he white or Indian? A He's a white man.
Q Is he living? A Yes sir.
Q What is Minnie B. Smith's mother's name? A Georgia L. Smith.
Q What is her post office address? A Denton Texas.
Q What is the name of the husband of your sister, Georgia L. Smith? A J. K. P. Smith.
Q What is the name of the husband of your niece, Minnie B. Smith,- is she married? A No sir, she's not married.
Q Are there any other children of your sister that you want to make application for? A Yes sir.
Q What is the name? A Polk Leander Smith.
Q How old is he? A He's 20 years old.
Q He is not married? A No sir.
Q His father is J. K. P. Smith? A Yes sir.
Q His mother is Georgia L. Smith? A Yes sir.
Q Is he living at his mother's in Denton, Texas? A Yes sir.
Q Minnie B. Smith and Polk L. Smith both claim through their mother, Georgia L. Smith? A Yessir.
Q And she claims through the same ancestor through whom you claim? A Yes sir.
Q You both claim through your father, George L. Malone? A Yes sir.
Q Do you know when and where your sister was married to her husband,-- is this the marriage license that you present here? A Yes sir.

Certified copy of marriage license of James K. P. Smith and Georgia L. Malone presented by this applicant, received, filed, marked "Exhibit E", and made a part of the record in this case.

Q Do you know whether your name, or the name of your sister, or your sisters children, are on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir, I dont know.
Q Was any application ever been made by you or for you, or for any of these people whom you represent, to the Choctaw tribal authorities for citizenship in the Choctaw Nation in the Indian Territory? A No sir.
Q Has any such application ever been made for you or for any of them, for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under th act o" Congress of June 10, 1896? A No sir.
Q Have you or any of these people whom you represent, your children, or your sister, or her children, ever been recognized or enrolled, or admitted as members of the Choctaw tribe of Indians by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Is this the first application that has ever been made for you or for them for citizenship in the Choctaw Nation? A Yes sir.
Q Do you now come before the Commission to identify yourself, your children, your sister and your sisters children as Mississippi Choctaws under article 14 of the treaty o" 1830? A Yes sir.
Q Do you understand that article? A No sir.

A treaty is a contract, or agreement, or compact made in writing between two or more nations, instead of being made between individuals, and an article in a treaty is one of its sections or subdivisions. A treaty was made in 1830 between the United States government and the Choctaw Indians who at that time were living in the old Choctaw Nation east of the Mississippi river, whih was partly in Mississippi and partly in Alabama, and was made on the 27th day of September at a place called Dancing Rabbit Creek in Mississippi. The object of the treaty was to get the consent of the Choctaw Indians to go from the old Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, west of the Mississippi river. It was considered that the interests of the Indians would be better protected if they would remove, because their rights were encroached upon by the white people who were the native inhabitants of the two states in which the Choctaw Nation was at that time, Mississippi and Alabama. But beforethe treaty was signed it became known that a good many Choctaw Indians would refuse to go under the treaty to the Choctaw Nation, Indian Territory, and in order to protect their interests and their rights some provision had to be made for them in the treaty of 1830 before the other Indians would sign it. That provision was made in what is now called article 14 of the treaty of 1830. That article was drafted and put into the treaty for the especial protection of all Mississippi Choctaw Indians; those living at the time, and those who afterwards became their descendants. Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by

signifying his intention to the Agent within six months from the ratification of this treaty, and he or se shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the .location of the parent.If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if the ever remove are not to be entitled to any portion of the Choctaw annuity".

Q Do you know if any of your Choctaw ancestors, or the Choctaw ancestors of your sister, or of her children, complied or attempted to comply with article 14 of the treaty of 1830? A No sir.

Q What is the name of your ancestor through whom you and your sister make this claim to be identified as Mississippi Choctaws? A My grandfather's wife was named Brashears.

Q Do you claim through your grandfather? A My grandfather's wife's mother.

Q Give me the full name? A Rachel Brashears.

Q How do you spell that? A I think it is B-r-a-c-h-i-e-r-s, thats the way I think it is spelled, but I dont know.whether thats right, but I guess that will catch it.

Q How much Choctaw blood did she have? A She was one-half.

Q Was this her maiden name or her married name? A That was her maiden name I think.

Q Do you know whom she married? A No sir.

Q Do you know what her married name was? A No sir.

Q Did Rachel Brachiers live in Mississippi or Alabama in 1 30 and have a family there in either state at that time, in the old Choctaw Nation? A I dont know sir.

Q Did you ever hear that she lived in Mississippi or Alabama at any time? A Yes sir.

Q Where? A They came from Pontotoc County, Mississippi.

Q Do you know whether she lived there in 1830? A No sir.

Q You say she came from Pontotoc County, Mississippi; where did she come to? A Who?

Q Rachel Brachiers? A I dont know whether she went or not; Nancy Brachiers, her daughter, came to Dallas County; she's the one my grandfather married; thats where I last remember seeing them, her daughter; of course I dont ,— I never did see the original Rachel Brachiers.

Q Did Nancy, the daughter of Rachel Brachiers, live in Mississippi in 1830? A I think she did; I am not positive.

Q What was Nancy's married name? A Malone.

Q What was her husband's full name? A Giles B. Malone.

Q Now, were Giles B. Malone and his wife, Nancy, your grandfather and grandmother? A Yes sir.

Q And were your father's parents? A Yes sir.

Q Was your father born in Mississippi or in Texas? A I Mississippi,-- that is he was not born in Texas; I dont know whether he was born in Mississippi or not.
Q Did he ever live in Mississippi? A Yes sir.
Q How old would your father be if living now? A I dont know.
Q Giles B. Malone and Nancy Malone were the grandfather and grandmother of your sister, Georgia L. Malone? A Yes sir.
Q And the great grandparents of Minnie B. Smith and Olk L. Smith? A Yes sir.
Q Do you know whether any of your Choctaws ancestors, or your sister's Choctaw ancestors, went to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.
Q Did any of your Choctaw ancestors or your sister's Choctaw ancestors live on land in the old Choctaw Nation, either in Mississippi or Alabama, for five years, and then get a patent or deed from the government? A I dont know.
Q Did any ancestors of yours or your sister's claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A No sir.
Q Did any of your Choctaw ancestors or your sister's Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A No sir.
Q Did any of them own any improvements on land in that old nation in 1830 or 1831? A No sir.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, for the purpose of making a permanent home in the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir.
Q Did any of your Choctaw ancestors or your sisters Choctaw ancestors go before the Commission of 1837, or the Commision of 1842, and claim any rights under article 14 of the treaty of 1830? A No sir.

Those two commissions were appointed, one in 1837 by an act of Congress approved March 3rd of that year, and the other in 1842, by an act of Congress approved August 23rd of that year, for the purpose of hearing Indians who claimed that they had gone to Colonel Ward within six months after the ratification of the treaty of 1830, and attempted to register under article 14 of that treaty, but that Colonel Ward had refused to allow them to register under article 14, and because of his refusal and neglect these Indians lost the land which they occupied in the old Choctaw Nation, for it was taken from them by the government and sold.

Q You dont know whether any of your Choctaw Xxtion ancestors went before either of these commissions? A No sir.
Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23, 1842, and was distributed or issued to those Choctaw Indians who proved their rights under article 14, and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government.

Q Do you understand or speak the Choctaw language? A No sir.
Q Have you any other evidence that you want to present at this time? A No sir.
Q What relation is Joseph Crouch to you? A Cousin.
Q Joseph Crouch has been before this Commission and has presented his claim for himself and children for identification as Mississippi Choctaws, on December 18, 1902; would you like to have your case consolidated wit his case? A Yes sir.
Q And considered together? A Yes sir.

The case of Joseph Crouch, et al., N. C. R. 6468, is here referred to for the purpose of consolidation.

Q Do you want any time in this case in which to introduce other evidence?

By Harry L. Benson, Attorney for Applicants: Thirty days.

By the Commission: Thirty days time is allowed this applicant in which to introduce other evidence in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has light brown hair; lighter brown mustache; blue eyes; light complexion; he does not understand the Choctaw language.

Q Is your sister a dark-looking woman, or light? A She is light complected.
Q Is she as light as you are? A Yes sir.
Q Blue eyes? A Yes sir.
Q How about her children? A They are light complected, light hair.
Q Both Minnie B. and Polk L? A Yes sir.

He has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 15th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 22 day of January, 1903.

Charles R. Stevenson
Notary Public.

M.C.R. 6591

COPY.

Muskogee, Indian Territory, July 22, 1904.

Cam J. Malone,

Ferris, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you and your children, Otto C. Malone, Willie Maurine Malone, Feaster McSpadden Malone, your sister Georgia L. Smith, niece Minnie Belle Smith, and nephew Pope Leander Smith.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

MCR-6591.

Muskogee, Indian Territory, March 19, 1907.

Cam J. Malone,

Ferris, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6591

No. 6591

For Identification as a Mississippi Choctaw.

Date JAN 15 1903

Name Cam J. Malone for self & children, sister and niece & nephew

Age 33. Blood 1/16

Post Office: Ferris, Texas.

Father: George L. Malone } d

Mother Emma " } l

Claims through father 1/8

Wife.

Bertha C. Malone, l.w.

No claim for wife.

Children.

Otto C. Malone. 6

Willie M[illegible] " F. 3

Feaster McS. " M. 2 weeks

Sister.

Georgia S. Smith. 41. 1/16 41

Denton. Tex

f. George L. Malone. d 1/8

m Emma " l

Minnie B. Smith. 1/16 21

f. J. K. P. Smith. W. l.

m. Georgia S. " —

Denton. Texas.

Polk L. Smith " 20

Claims for self, children sister and her 2 children

Stenographer W. H. Martin

REFUSED

Choctaw MCR 6592

Giles B. Malone

MCR 6592

#8593.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 15, 1903.

In the matter of the application of Giles B. Malone for the identification of himself and his minor child, Hal B. Malone, as Mississippi Choctaws.

A. B. and Harry L. Pearson, Attorneys for applicants.

Giles B. Malone being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Giles B. Malone.
Q What is your age? A 27.
Q What is your post office address? A Ferris, Texas.
Q Have you always lived in Texas? A Yes sir.
Q How long in Ferris? A About 23 years.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A George L. Malone.
Q What is your mother's name? A Emma D. Malone.
Q Do you claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q You claim he was one-eighth? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know, sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her nationality? A American.
Q She is white? A Yes sir.
Q What is your wife's name? A Virginia T. Malone.
Q You dont make any claim for her? A No sir.
Q Have you any children that you want to make application for? A One.
Q What is the name of that child? A Hal B. Malone.
Q How old is he? A Two years old.
Q Is your wife, Virginia T. Malone, the mother of Hal? A Yes sir.
Q Are you and your wife and this child living together at your home? A Yes sir.
Q Were either you or your wife ever married before you married each other? A No sir.
Q Have you the proof of your marriage with you? A Yes sir, (Presents a paper)

Certified copy of the marriage of Giles Beesley Malone and Virginia T. Horn presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I suppose not.

Giles B Malone----2

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application you have ever made for citizenship or enrollment as a Choctaw Indian? A Yes sir.
Q Never have been admitted by any authority whatever up to the present time, as a citizen of the Choctaw Nation? A No sir.
Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir.

The article itself without an explanation is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent, within six mo. ths after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with article 14 of the treaty of 1830? A I dont know.
Q What is the name of your ancestor through whom you make this claim today? A Rachel Brashears.
Q How do you spell Brashears? A I dont believe I can spell it; B-r-e-a-s-h-i-e-a-r-s I believe is the way that you spell it.
Q What relation was she to you? A My great grandmother I believe.
Q How much Choctaw blood did she have? A One half.
Q Was that her maiden name? A No sir,— yes, it was.
Q Did she have a daughter named Nancy? A Yes sir.
Q Whom did Nancy marry? A Giles B. Malone.
Q Your brother is Sam J. Malone? A Yes sir.
Q He has made application today? A Yes sir.
Q Do you know whether Rachel Breashiears, or her daughter, Nancy Malone, or any other Choctaw ancestor of yours, lived in Mississippi or Alabama in 1830, and were heads of families there then? A Thats what I understand.
Q Who lived there and had a family there then, in Mississippi or Alabama? A Well, I dont know either, I cant say.
Q Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A I dont know.

Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation east of the Mississippi river for five years and then get a patent from the government for it? A I suppose not.
Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know, sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A No sir.
Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made today? A No sir.
Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830 or 1831? A I dont know.
Q Did any of your Choctaw ancestors go before the Commission of 1837 or the commission of 1842, which commissions were appointed under various acts of Congress, and claim any rights before either of them under article 14 of the treaty of 1830? A I don't know.

These Commissions were appointed in these different years because of the complaints that were made by Choctaw Indians, who stayed in the old Choctaw Nation, and who claimed that they had attempted to register under article 14 of the treaty of 1830, but that Colonel Ward, the Agent, had refused to allow them to register, and because of his refusal or his neglect the government had taken the lands from these Indians and sold that land at its public land sales.

Q You dont know whether any of your ancestors went before either of these commissions? A No sir.
Q Did any of your ancestors receive any scrip from the government, which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23rd, 1842.

Q Do you speak or understand the Choctaw language? A No sir.

30 days time is allowed this applicant in which to introduce other proof, if he desires, in support of this application.

By Harry L Pearson, attorney for applicant:
Q Did you say Rachel Breachlears was the maiden name or the married name of your great grandmother? A It was her married name.
Q Do you know the name of her husband? A No sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; he has light hair, light complexion, blue eyes; does not understand or speak the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

The case of Joseph Crouch, et al., D. C. R. 6429, is here referred to for the purpose of consolidation.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he re-

Giles B Malone------4

corded in full the above proceedings at Muskogee, Indian Territory, on the 15th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

A H Martin

Subscribed and sworn to before me this 17 day of January, 1903.

Charles N Lamper

Notary Public.

Ex E

M.C.R. 6592

COPY.

Muskogee, Indian Territory, July 22, 1904.

Giles B. Malone,

Ferris, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you and your minor child, Hal B. Malone.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

MCR-6592.

Muskogee, Indian Territory, March 19, 1907.

Giles B. Malone,

Ferris, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6572

No. 95

For Identification as a Mississippi Choctaw.

Date JAN 15 1903

Name Giles B. Malone.

Age 27 Blood 1/16

Post Office. Ferris. Tex -

Father George L. Malone d

Mother Emma No. " d

Claims through father. 1/8

Wife,

Virginia T. Malone. l.w.

No claim for wife.

Children

Hal B. Malone, 2

.

Claim for self and chief

Stenographer W.H. Martin

FOR IDENTIFICATION AS 3.65

A MISSISSIPPI CHOCTAW

REFUSED

Giles B. Malone

JUL 1914

SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

Choctaw MCR 6593

Lita Green

MCR 6593

#6593.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 15, 1901.

In the matter of the application of Lita Green for the identification of herself and her four minor children, Lola May, George, Rymer, and Worth Green, as Mixed Blood Choctaws.

A. B. and Harry L. Person, Attorneys
for applicants.

Lita Green being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Lita Green.
Q What is your age? A 39.
Q What is your post office address? A Ferris, Dallas County, Texas.
Q How long have you lived in Texas? A About twenty--- all my life in Texas.
Q In Ferris how long? A About twenty-two years.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A George L. Malone.
Q What is your mother's name? A Emma D. Malone.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q You claim your father was one-eighth? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities of the United States authorities inthe Indian Territory? A I dont know.
Q Are you married? A Yes sir.
Q Is your husband living? A No sir.
Q What was his nationality? A He was white.
Q What was his name? A William Green.
Q How many children have you that you wish to make application for? A Four.
Q What is the name of the oldest child? A Lela May Green.
Q How old is she? A Born February 8, 1885.
Q 17 years old? A Yes sir, 17.
Q Are all these children by your husband, William Green? A Yes sir.
Q What is the name of the next child? A George.
Q How old is George? A 15.
Q What is the name of the next child? A Rymer.
Q A boy? A Yes sir, a boy?
Q How old is Rymer? A 13.
Q And the next? A Worth.
Q How old? A 11.
Q That is all? A Yes sir.

Q Your husband, Willia Green, was the father of these children? A Yes sir.
Q Have you married again? A No sir.
Q Is your name, or are the names of any of these children, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Has you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission Under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever b en admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.
Q You claim one thirtysecond Choctaw blood for these children? A Yes sir.
Q Do you understand article 14 of the treaty of 1830? A No sir, I dont understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830, and was ratified on the 24th day of February, 1831. The treaty was made in order to get the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi riverto the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians Under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 was put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the .location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove or not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of the treaty of 1830? A Rachel Brashears.
Q What was the name of your ancestor? A Rachel Brashears.
Q Have you heard that she complied with article 14 of the treaty of 1830? A Yes sir.
Q Did she go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830 and tell him that she wanted to stay in Mississippi, take land there, and become a citizen of the states? A I dont know.
Q What relation was she to you? A My great grandmother.
Q Was that her maiden or married name? A I dont know.
Q How much Choctaw blood did she have? A One half I suppose.
Q Did she live in Mississipp in 1830 and have a family there then? A I dont know.
Q Did she ever live in Mississippi or Alabama? A I dont know.
Q Did she or any other Choctaw ancestor of yours live on land in the old Choctaw Nation for a period of five years, either in Mississippi or Alabama, and at the end of that time receive a patent to that land from the government? A I dont know.
Q Do you know whether any of your Choctaw ancestors claimed any land in that old Choctaw Nation under article 14 of the treaty of 1830? A No sir, I dont know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation, Indian Territory? A I dont know.
Q Did any of them go between 1833 and 1838, with the other Indians under the treaty? A I dont know.
Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation east of the Mississippi river in 1830? A I suppose they did, but I dont know that they did.
Q Did any of them go before one of two Commissions, appointed by different acts of Congress, one in 1837 and the other in 1842, and claim any rights under article 14 of the treaty of 1830? A I dont know.

These commissions were appointed under various acts of Congress to hear the claims of Choctaw Indians who stated that they had been to Colonel Ward, the United States Indian Agent, and attempted to register under article 14 of the treaty of 1830, and that he had refused to allow them to register, and because of his refusal they lost their lands in the old Choctaw Nation, they had been taken from them and sold by the government at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to takethe place of land the government had taken from them and sold? A I dont know.
Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant in which to introduce other proof in support of this application, if she desires.

Q Is Cam J. Malone your brother, and also Giles B. Malone? A Yes sir.
Q You are all related to Joseph Crouch? A Yes sir.
Q What relation? A Cousins.
Q Would you like to have your case considered under the head of Joseph Crouch, and others? A Yes sir.

The case of Joseph Crouch, et al., M. C. R. 6468, is here referred to for the purpose of consolidation.

Q
Q Have you any other evidence you want to present now? A No sir. (Presents a paper to Commission)

Certified copy of the marriage certificate of William R. Green and Lita Malone presented by applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; light complexion and hair, blue eyes. She does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 15th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 22 day of January, 1903.

Charles N. Sawyer

Notary Public.

Ex

M.C.R. 6593

COPY.

Muskogee, Indian Territory, July 22, 1904.

Lita Green,

Ferris, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you and your children, Lela May, George, Rymer and Worth Green.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

MCR-6593.

Muskogee, Indian Territory, March 19, 1907.

Lita Green,

Ferris, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

(2793 No. 359

For Identification as a Mississippi Choctaw.

Date JAN 15 1903

Name Lita Green

Age 39 — Blood 1/16

Post Office. Ferris. Texas —

Father George L. Malone. d

Mother Emma E. " l.

Claims through father 1/8

husband

William Green, d. w.

Children

Lela May Green, 17

Georgie " 15

Rymer " 13

Worth " 11

Claims for self and 4 minors

Stenographer W.H. Martin

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

R. 659

CLOSED

Lila Green et al

OF DECISION FORWARDED APPLICANT

AND

T.

1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS

REFUSED

Choctaw MCR 6594

Mattie S. Ledbetter

MCR 6594

#6594.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 15, 1903.

In the matter of the application of Mattie S. Ledbetter for the identification of herself and her two minor children, James C., and Will B. Ledbetter, as Mississippi Choctaws.

A. B. and Harry L. Person, attorneys for applicant.

Mattie S. Ledbetter being duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Mattie S. Ledbetter.
Q What is your age? A 34.
Q What is your post office address? A Oak Cliff,-- Dallas, Texas, Station A.
Q How long have you lived in Texas? A All my life.
Q How long in Dallas? A 12 years.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A George L. Malone.
Q What is your mother's name? A Ellen D. Malone.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q You claim your father was one eighth? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q He never has lived in the Indian Territory, has he? A I think not.
Q Has the evidence of the marriage of your father and mother been filed in the case of your brother, Cam J. Malone? A Yes sir.
Q You want to refer to his application so that your case may be considered with his, No. M. C. R. 6591? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his nationality? A White.
Q What is his name? A William H. Ledbetter.
Q You dont make any claim for him? A No sir.
Q Now, give me the names of your children, beginning with the oldest? A James C., 11 years old.
Q The next? A Will B.
Q How old is Will? A 8.
Q Is that all the children you have? A Yes sir, just two.

Q Is your name, or are the names of your children, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Is William M. Ledbetter the father of these two children? A Yes sir.
Q Are you and your husband and these children living together at your home? A Yes sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your children, to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
Q Do you now come before the commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A No sir, I dont think I do.

The Choctaw Indians used to live in the old Choctaw Nation east of the Mississippi river. That nation was partly in Mississippi and partly in Alabama. Their rights were encroached upon by the white people, and the government desired to remove them to the Choctaw Nation, Indian Territory in order to protect them better. They could not be removed without their own consent, and that consent was obtained when they signed the treaty of 1830, made between the United States government and the Choctaw Indians as a Nation. By that treaty they agreed to go to the Choctaw Nation, Indian Territory, west of the Mississippi river. The most of them did go under that treaty, but some remained in the old Choctaw Nation. In order to protect the rights of those Indians who stayed back in the old Choctaw Nation article 14 was put into the treaty of 1830. An article in a treaty is just one of its subdivisions, parts, or sections. So, that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each child which is living with him over ten years of age, and a quarter section to each child which may be under that age, to adjoin the location of the parent. If they wish to remain upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement or such part of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a future citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

That article means this, that those Indians who remained in the old Choctaw Nation in Mississippi or Alabama, must of them

in Mississippi, in order that they might afterwards go to the Choctaw Nation, Indian Territory, and become citizens of the Choctaw tribe in the Indian Territory, were obliged to go to the United States Indian Agent, Colonel Ward, at his office or Agency in Mississippi, within six months after the treaty of 1830 was ratified, that is within six months after the 24th day of February, 1831, and register as Indians who wanted to stay in Mississippi and take land there and become citizens of the states. Now, if they went to Colonel Wamd and registered in that manner, as provided in that article, they might afterwards have all the rights of Choctaw Indians if they ever went to the Choctaw Nation, Indian Territory. Or if their descendants ever went there after registering in that way they were entitled to these rights. And they were entitled to select land in Mississippi and live on it and use it as their own, and if they lived on it for five years they were entitled to receive a patent or deed from the government for that land.

Q Now, you understand that dont you? A Yes sir.
Q Do you know whether any of your Choctaw ancestors,-- now, I am talking about Rachel Brashears, or any other Choctaw ancestor of yours,-- did any of them do any of those things that have been described as required under article 14? A I dont know whether they did or not.
Q What is the name of your ancestor through whom you claim your right now to be identified as a Mississippi Choctaw? A From my great grandmother, Rachel Brashears.
Q How much Choctaw blood did she have? A They claimed one half.
Q Did she have a family living with her in the old Choctaw Nation in 1830 or 1831, in Mississippi or Alabama? A I dont know.
Q Did she ever live in the old Choctaw Nation? A I have been told she did.
Q Where, do you know? A I dont know.
Q In Mississippi or Alabama? A In Mississippi I think, -- no, it was Alabama.
Q But you dont know where in Alabama? A No sir.
Q Do you know whether she or any other Choctaw ancestor of yours went to Colonel Ward within six months after the ratification of the treaty of 1830 and tried to register under that article? A No sir, I dont.
Q Did she or any other Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama for five years,and then get a patent or deed from the government for that land? A I dont know.
Q Did she or any other Choctaw ancestor of yours claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont believe I know.
Q Did any of them go from that old Nation east of the Mississippi river to the Choctaw Nation, Indian Territory,with the other Indians between 1833 and 1838, or '40? A I dont know.
Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making ahome in the Choctaw Nation, Indian Territory? A I dont know.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know.

In 1837, by an act of Congress approved March 3rd of that year, and also in 1842, by an act of Congress approved August 23rd of that year, commissions were appointed which went to Mississippi and heard claimants under article 14 of the treaty of 1830. These commissions were appointed because of the complaints of Choctaw Indians, who said they had gone to Colonel Ward within six months after the ratification of the treaty of 1830, and attempted to register under article 14 of that treaty, but that Colonel Ward had refused to allow them to register, and because of this refusal their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits under article 14 of that treaty? A I dont know.
Q Did any of them receive any scrip from the government, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who proved their rights under article 14, and also proved that the government had taken their land and sold it.

Q Do you want to have your case considered with the case of Joseph Crouch and others? A Yes sir.
Q What relation are you to him? A First cousin.

The case of Joseph Crouch, et al., M. C. R. 6468, is here referred to for the purpose of consolidation.

30 days time is allowed his applicant for the purpose of introducing other evidence in this case, is she desires.

Certified copy of marriage license of W. H. Ledbetter and Mattie S. Malone presented by applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; light hair, blue eyes, medium fair complexion.

Q You do not understand the Choctaw language? A No sir.

Has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territo-

Mattie S Ledbetter——5

ry, on the 15th day of January, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Morlin

Subscribed and sworn to before me this 17 day of January, 1903.

Charles H Sawyer

Notary Public.

Exhibit

M.C.R. 6894

COPY.

Muskogee, Indian Territory, July 22, 1904.

Mattie S. Ledbetter,

Station A, Dallas, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you and your children, James C. Ledbetter and Will B. Ledbetter.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

MCR-6594.

Muskogee, Indian Territory, March 19, 1907.

Mattie S. Ledbetter,
Station A.,
Dallas, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6594 No. 6594

For Identification as a Mississippi Choctaw.

Date JAN 15 1903

Name Mallie S. Ledbetter

Age 34 — Blood 1/16

Post Office. Dallas, Tex. Station A.

Father George L. Malone, d

Mother Emma M. " l.

Claims through father, 1/8 —

Husband

W. H. Ledbetter, l w

No claim for husband

Children:

James C. Ledbetter, " "

Will B " 8

Claim for dec'd and 2 minors

Stenographer N. A. Martin

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

R. 639.

REFUSED

Mattie S. Tebbetts

JUL 22 1904

ACTION APPROVED SECRETARY OF INTERIOR FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

REFUSED

Choctaw MCR 6595

Joe Malone

MCR 6595

6595.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 15, 1903.

In the matter of the application of Joe Malone for the identification of himself as a Mississippi Choctaw.

A. B. and Harry L. Person, attorneys for applicant.

Joe Malone being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Joe Malone.
Q What is your age? A 26.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived in Texas? A All my life.
Q How long in Ferris? A I live about three miles from Ferris; I have lived in that county all my life.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Drew A. Malone.
Q What is your mother's name? A Annie Hoskins.
Q Do you claim your Choctaw blood through your father or mother? A Yes sir, my father.
Q Howmuch Choctaw blood do you claim? A One sixteenth.
Q Your father had one eighth? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Do you know when and where your father and mother were married? A I know where; they were married in Dallas County, Texas.
Q What day of the month and year? A I dont know.
Q Were they married by a minister under a license? A Yes sir.
Q Are you married? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application you have ever made for citizenship in the Choctaw Nation? A Yes sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.
Q Do you now claim the right to be identified as a Mississippi Choctaw under an

Choctaw, under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand article 14 of that treaty? A No sir, I dont understand it.

If you make an agreement with me, and I agree to hire you to do certain work, and agree to pay you so much money, and you agree to do the work; that is an agreement or contract. Now, you sign it and I sign it, and that binds us. Now, a treaty is exactly the same thing, except that it is made between nations instead of between people. Now, the Choctaw Nation signed this treaty through its representatives, and the United States government signed it through its representatives, and if the Choctaw Nation violated their part of the treaty the United States government had a remedy in that treaty against them, and vice versa. Now that is what a treaty is, and an article in a treaty is one of its parts, or subdivisions, one, two, three, four, or five, up to a number which is the last number, the last article in the treaty, that treat upon certain things. And article 14 was the last,- the last condition that was imposed upon the Choctaw Nation, or upon the United States. Now, in 1830 a treaty was made between the United States government and the Choctaw tribe of Indians. The object of the treaty was to get the consent of the Choctaw Indians to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. The United States government agreed to transport them free of expense, and agreed to furnish them when they got to the Choctaw Nation, Indian Territory with money and with agricultural implements,and with fire arms, and to do other things if they would agree to go; and agreed to establish them in the Choctaw Nation, Indian Territory as a tribal Nation and to protect them in their tribal relationship, and to do a great many other things in that treaty. The Choctaw Nation on their part agreed to go; all but a certain number of Choctaw Indians, who said they would not go under any circumstances, that they would stay back there. Now, there was no provision made in this treaty to protect the rights of those Choctaw Indians that were going to stay back there; the treaty was made to have them all go, but the other Indians said to the government officials "If you dont put some provision in this treaty of 1830 to protect those Choctaw Indians who intend to stay back in the old nation, we won't sign it". So that provision was made in what is now called article 14 of the treaty of 1830. That is the article under which all the descendants of Mississippi Choctaws are making their claim, and which you are making your claim today. And it is as follows.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be

under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article 14 of the treaty of 1830? A Nosir, not as I ever knew anything about.
Q What is the name of your ancestor through whom you make this claim now? A Rachel Brashears.
Q What relation to you? A Great grandmother.
Q Was she a Choctaw Indian? A Claimed to be half Choctaw.
Q Was that her maiden name or married name? A Maiden.
Q Whom did she marry? A I dont know sir.
Q Did she have a daughter named Nancy Brashears? A Yes sir.
Q Whom did Nancy marry? A Giles B. Malone.
Q Did any of them live in Mississippi? A I dont know.
Q Did they live in Alabama in the old Choctaw Nation? A I dont know.
Q Do you know whether any of them went to the United States Indian Agent, Colonel Ward, and told him that they wanted to stay in Mississippi and take land there, within six months after the ratification of the treaty of 1830? A I dont know.
Q Did any of your Choctaw ancestors, Rachel Brashears, or her daughter, Nancy, or any others, live on land in Alabama or Mississippi, in what was known as the old Choctaw Nation, for five years, and then get a patent of that land from the government under article 14? A Not as I know anything of.
Q Did any of them claim any land in that old Choctaw Nation under that article of that treaty? A No sir, n t that I know of.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A I dont know sir, anything about that.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know sir, whether they did or not.
Q Did any of your Choctaw ancestors go before the treaty of 1837 or the Commission of 1842, and claim any benefits under article 14 of the treaty of 1830? A Not that I know anythin of.

These Commissions were appointed by acts of Congress of 1837 and also by an act of Congress of 1842 because of the complaints made by Choctaw Indians, that had attempted to register under article 14 of the treaty of 1830, but had been refused registration by Colonel Ward, and as a result of his refusal the government had taken their land from them in the old Choctaw Nation and sold it at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government.

Q Do you speak or understand the Choctaw language? A No sir.
Q What relation is Joseph Crouch to you? A First cousin.
Q Do you want to have your case consolidated with his case? A Yes sir.

The case of Joseph Crouch, et al., M. C. R. 6468, is here referred to for the purpose of consolidation.

30 days time is allowed this applicant in which to introduce other evidence, if he desires, in support of this claim.

Q Have you any other evidence that you want to present now? A No sir, none that I can,— I have a brother, but I suppose he will have to come him self.
Q Is he over twenty-one? A Yes sir, he's married.

Yes, he will have to be present in person.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; brown ~~hair~~ eyes; dark complexion; does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 15th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn t before me this 22 day of January, 1903.

Chas. K. Dawson

Notary Public.

M.C.R. 6595

COPY.

Muskogee, Indian Territory, July 22, 1904.

Joe Malone,

Ferris, Texas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commission of Indian Affairs.

Respectfully,

SIGNED

T. B. Needles.
Commissioner in Charge.

Registered.

MCR-6595.

Muskogee, Indian Territory, March 19, 1907.

Joe Malone,

Ferris, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6575

No. 3595

For Identification as a Mississippi Choctaw.

Date JAN 15 1903

Name Joe Malone

Age 26 Blood 1/16

Post Office. Ferris, Tex.

Father: Drew A. Malone } d

Mother. Annie Hopkins } l

Claims through father 1/8 —

Children

Claims for self alone

Stenographer W. H. Martin

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW

R. 6595

REFUSED

Jno.

DECISION

OF

JUL 1904

CHOCTAW AND

RECORDED IN DEPARTMENT

SEP 1900

SECRETARY OF INTERIOR 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED TO APPLICANT

NOTICE OF DEPARTMENTAL ACTION FORWARDED AT OFFICE FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION FORWARDED AT OFFICE FOR CHOCTAW AND CHICKASAW NATIONS

REFER TO M C R.

REFUSED

Choctaw MCR 6596

Bert Malone

MCR 6596

#6596.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 15, 1903.

In the matter of the application of Bert Malone for the identification of himself as a Mississippi Choctaw.

A. B. and Harry L. Person, attorneys for applicant.

Bert Malone being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Bert Malone.
Q What is your age? A 21.
Q What is your post office address? A Ferris, Texas.
Q Have you lived in Texas all your life? A Yes sir.
Q How long in Ferris? A I have been in Ferris about a month.
Q Where have you lived in Texas, most of the time? A In Dallas county.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Drew A. Malone.
Q What is your mother's name? A Annie Malon --or Annie Hoskins it is now.
Q Do you claim through your father or mother? My father.
Q How much Choctaw blood do you claim? A On ixteenth.
Q He was one eighth? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities of the United States authorities in the Indian Territory? A Well, I cant tell.
Q He never lived in the Indian Territory, did he? A Not that I know of.
Q Do you claim for yourself alone? A Yes sir.
Q You are not married? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I dont know.
Q You never have been placed on any of the tribal rolls, have you, in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in he Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
Q Is this your first application before any authority for rights in the Choctaw Nation as a Choctaw Indian? A Yes sir.

Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q You understand that article, dont you, by this time? A Yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to onehalf that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent, if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestorscomplied or attempted to comply with article 14 of the treaty of 1830? A I dont know.
Q You claim through whom? A Rachel Brashears.
Q Was she a Choctaw Indian? A Yes sir.
Q How much Choctaw blood did she have? A One half.
Q What relation was she to you? A My great grandmother.
Q Was this her maiden or married name? A Maiden name.
Q Did she live in Mississippi or Alabama in 1830 nd have a family there then? A I dont know.
Q Did you ever hear that she lived either in Mississippi or Alabama? A No sir, I have not.
Q Did she have a daughter named Nancy? A Yes sir.
Q What was Nancy's husband's name? A I dont know.
Q Do you know whether Rachel, or any of her children, or any of her forefathers, lived in Mississippi in 1830 and had families there then? A I dont know.
Q Did any of them go to Colonel Ward within six months after the ratification of the treaty of 1830 and register or attempt to register under article 14 of that treaty? A I dont know.
Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation in Mississippi or Alabama for five years and then get a patent for that land from the government under article 14? A I dont know.
Q Did any of them claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory?

A I dont know.
Q Did any of them go with the other Indians between 1833 and 1838, at the expense of the government? A I dont know.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I dont know.
Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim any benefits under article 14 of that treaty? A I dont know.

These commissions were appointed, one by an act of Congress approved March 3rd, 1837, and the other by an act of Congress approved August 23rd, 1842, because of the complaints made by Choctaw Indians who said they had gone to Colonel Ward within six months after the ratification of the treaty of 1830, and attempted to register under article 14 of that treaty, and he had refused to register them, and because of his refusal to do this these Indians had lost their land in the old Choctaw Nation, it had been taken from them by the government and sold.

Q Did any of your Choctaw ancestors receive any scrip from the government of the United States, which scrip entitled them to select land, either in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

These certificates, as wewould call them now, were issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you speak or understand the Choctaw language? A No sir.
Q Are you related to Joseph Crouch? A Yes sir.
Q What relation? A First cousin.
Q Would you like to have your case considered with his case? A Yes sir.

The case of Joseph Crouch, et al., M. C. R. 6468, a relative of this applicant claiming through the same common ancestor, is here referred to for the purpose of consolidation.

Q Have you any other testimony you want to give, or any proof you want to offer now? A No sir.

30 days time is allowed this applicant for the purpose of introducing other testimony, if he desires, in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair, brown eyes, dark complexion; does not understand or speak the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he re-

corded in full the above proceedings at Muskogee, Indian Territory, on the 15th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes of said proceedings.

W H Mordin

Subscribed and sworn to before me this 17 day of January, 1903.

Charles H. Sawyer

Notary Public.

W&X

M.C.R. 6596.

COPY.

Muskogee, Indian Territory, July 22, 1904.

Bert Malone,

Ferris, Texas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in [redacted], together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commission of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

MCR-6596.

Muskogee, Indian Territory, March 19, 1907.

Bert Malone,
Ferris, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6596 No. 6596

For Identification as a Mississippi Choctaw.

Date JAN 15 1903

Name Bert Malone

Age 21 Blood 1/16

Post Office. Ferris, Texas —

Father: Orrea A. Malone, d.

Mother: Annie Hoskins, d.

Claims through father 1/8

Children:

Claims for self alone

Stenographer W. H. Merkin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 13596

REFUSED

OF DECISION FORWARDED
APPLICANT
JUL 22 1914

SEP

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

REFUSED

CHOCTAW

Choctaw MCR 6597

Ed. Malone

MCR 6597

#6597.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY,
JANUARY 15, 1903.

In the matter of the application of Ed Malone for the identification of himself as a Mississippi Choctaw.

A. S. and Harry L. Person, Attorneys for applicant.

Ed Malone being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Ed Malone.
Q Are you married? A No sir.
Q What is your age? A 24.
Q What is your post office address? A Wilmer, Texas.
Q How long have you lived in Texas? A All my life.
Q How long at Wilmer? A Lived there all my life.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Isaac Malone.
Q What is your mother's name? A Hollie Malone.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Is your father one eighth Choctaw? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes sir.

Q Do you claim under article 14 of the treaty of 1830? A No sir.
Q I am asking now of article 14 of the treaty of 1830, which has been explained in your presence so many time? A Well, I dont know about that.
Q You have heard it how many times this afternoon,— six or seven, have you not? A Yes, I guess so.
Q Dont you understand it yet? A Not thoroughly.

Well, a treaty was made between the Choctaw Indians and the United States government in 1830. It is sometimes called the treaty of Dancing Rabbit Creek, because it was made at that place in Mississippi. It was signed on the 27th day of September, 1830. Its object was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before it was signed it became known that a good many Indians would refuse to go under the treaty to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land,—to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands i tending to become citizens of the states for five years after the ratification of the treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A Yes sir, Rachel Brashears.
Q Is she your ancestor that you are claiming through now? A Yes sir.
Q How much Choctaw blood did she have? A One half.
Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I couldn't say.
Q Did she ever live in Mississippi or Alabama in the old Choctaw Nation? A I dont know.
Q Did she have a daughter named Nancy? A Yes sir.
Q Whom did Nancy marry? A Giles Malone.
Q Did Nancy ever live in Mississippi or Alabama? A I dont know.
Q What relation was Rachel Brashears to you? A My great grandmother.

Q Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him they wanted to stay in Mississippi, take land there, and be one citizens of the states? A Not as I know of.

Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.

Q Do you know whether any of them lived on land for five years in that old Choctaw Nation, and then got a patent or deed of that land from the government under article 14 of the treaty of 1830? A I dont know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation, Indian Territory? A I dont know.

Q Did any of them go from that old Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between 1833 and 1838 with the other Indians at the expense of the government? A I dont know.

Q Did any of them own any improvements on land in the old Choctaw Nation, in 1830? A I dont know.

Q Did any of them go before the Commission of 1837 or the Commission of 1842, and claim any rights under article 14 of that treaty? A I dont know.

These commissions were appointed because of the complaint made by Indians that they had attempted to register under article 14 of the treaty of 1830, but that Colonel Ward had refused to register their names under that article, and because of his refusal their land had been taken from them in the old Choctaw Nation and sold by the government at the public land sales.

Q Do you know if any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them in the old Choctaw Nation and sold.

Q Do you speak or understand the Choctaw language? A No-sir.

Q What relation are you to Joseph Crouch? A Cousin.

Q He has been before the Commission to be identified as a Mississippi Choctaw; would you like to have your case considered with his? A Yes sir.

The case of Joseph Crouch, et al., C. C. R. 6468, is here referred to as claiming through the same common ancestor, for the purpose of consolidation.

30 days time from the date hereof is allowed this applicant in which to introduce other evidence, if he desires, in support of this application.

This applicant has the appearance and physical character-

istics of being descended from white parentage; he has very dark brown hair, nearly black; dark brown eyes, and dark complexion; does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 15th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 22 day of January, 1903.

Charles McSawyer
Notary Public.

Next

time

M.C.R. 6597

COPY.

Muskogee, Indian Territory, July 22, 1904.

Ed Malone,

Wilmer, Texas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. J[illegible]

Registered.

Commissioner in Charge

MCR-6597.

Muskogee, Indian Territory, March 19, 1907.

Ed Malone,

Wilmer, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6597 No. 6597

For Identification as a Mississippi Choctaw.

JAN 15 1903

Date

Name Ed. Malone

Age 24 Blood 1/16

Post Office. Wilmer, Tex

Father. Isaac Malone l

Mother. Mollie " l.

Claims through father 1/8

Children:

Claim for each alone

Stenographer W.H. Martin,

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R.

REFUSED

Ed Malone

[illegible]

[illegible] SECRETARY OF INTERIOR. [illegible] 1907.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. MAY 19 1907

[illegible] DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT [illegible] 1907

[illegible] DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

REFUSED

REFERRED [illegible]

Choctaw MCR 6598

Amsdon McS. Malone

MCR 6598

#8598.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 16, 1903.

In the matter of the application of Amadon McS. Malone for the identification of himself as a Mississippi Choctaw.

A. B. Person and Harry L. Person, attorneys for applicant.

Amadon McS. Malone being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Amadon McS. Malone.
Q What is your age? A 21.
Q What is your post office address? A Dallas, Texas.
Q How long have you lived in Dallas? A A year.
Q How long have you lived in Texas? A All my life.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A George L. Malone.
Q What is your mother's name? A Emma Malone.
Q Do you claim Choctaw blood through your father? A Yes sir.
Q How much do you claim? A One sixteenth.
Q You claim he was one eighth? A Yes sir.
Q Has he ever been enrolled as a Choctaw Indian or recognized as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q He has never lived in the Indian Territory, has he? A No sir.
Q Do you claim for yourself alone? A Yes sir.
Q Do you know when and where your father and mother were married? A No sir, I do not.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
Q This is your first application for citizenship in the Choctaw Nation? A Yes sir.
Q Do you want to be identified now as a Mississippi Choctaw, claiming under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand article 14, or do you want it explained to you? A I dont know that I understand it.

Amadon McS Malone------2

The treaty of 1830 was a treaty made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty was to remove all the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, under the treaty; and as no provision had been made in the treaty for these Indians who wanted to stay back in the old Nation article 14 was put into the treaty of 1830 for their especial benefit and protection. The treaty was then signed and afterwards, o the 24th day of February, 1831, was ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If theyreside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of the treaty of 1830? A No sir.
Q What is the name of your ancestor through whom you make your claim now? A Rachel Brashears.
Q What relation was she to you? A My great grandmother.
Q How much Choctaw blood did she have? A She was one half.
Q Is the name, Rachel Brashears, the maiden name or the married name of your great grandmother? A I dont know.
Q Was it her name before she married, or was it her husband's name, taken by her after her marriage? A I dont know, sir.
Q Did she have a daughter named Nancy? A Yes sir.
Q What was Nancy's maiden name? A Brashears.
Q Whom did she marry? A Malone.
Q What was his full name, if you remember? A I dont know.
Q Would you remember it if you heard the name? A No sir, I dont know that I would.
Q Do you know whether Rachel Brashears, or her daughter, Nancy, or any other Choctaw ancestor of yours, lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir, I do not.

Q Do you speak or understand the Choctaw language? A No sir.
Q What relation is Joseph Crouch to you? A My cousin.
Q Do you want to have your case consolidated under the head of the case of Joseph Crouch, et al.? A Yes sir.

The case of Joseph Crouch, et all, M. C. R. 6468, is here referred to for the purpose of consolidation.

30 days time is allowed this applicant for the purpose of introducing other evidence, if he desires, in support of this claim.

Q Is there anything more you want to say? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair, blue eyes, medium fair complexion; does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

Walter H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the proceedings had in the above cause at Muskogee, Indian Territory, on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this VV day of January, 1903.

Charles M. Dawson

Notary Public.

Wes X

M.C.R. 6598

COPY.

Muskogee, Indian Territory, July 22, 1904.

Amsdon McS. Malone,

Dallas, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.

MCR-6598.

Muskogee, Indian Territory, March 19, 1907.

Amsdon McS. Malone,

Dallas, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6598 No. 6598

For Identification as a Mississippi Choctaw.

Date JAN 16 [illegible]

Name Amsdon McS. Malone.

Age 21. Blood 1/16

Post Office. Dallas. Texas.

Father: George L. Malone, d.

Mother: Emma " l.

Claims through father "8

Claim for self alone

Stenographer W. H. Martin

A MISSIS[illegible]

REFUSED

Amsden Reed Malone

[illegible]

OF DECISION FORWARDED
APPLICANT
JUL[illegible] 1904

[illegible]

RECORD[illegible] DEPARTMENT.

[illegible] INTERIOR. [illegible] 1907

NOTICE [illegible]

NOTICE OF DEPARTMENTAL ACTION
[illegible] FOR APPLICANT

NOTICE OF [illegible] ACTION
[illegible] RIGHT
AND CHICKASAW NATIONS

[illegible]

REFER TO M[illegible]

Choctaw MCR 6599

John F. Tomball

MCR 6599

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of John F. Turnbull, et al., for identification as Mississippi Choctaws, M.C.R. 6599.

Now, on this 30th day of October, 1903, come Thomas & Harrison, attorneys for the applicants in the above entitled cause and file their motion for a continuance therein for the purpose of taking the deposition of Philip Carman of Omba, Missouri, and after consideration of said motion it is the opinion of this Commission that the same should be granted, and it is so ordered; and further that said attorneys for the applicants be advised of the action of the Commission and that the applicants be allowed until November 30, 1903, to introduce additional testimony in support of the above entitled cause, and that at the expiration of said time the case be closed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory.
October 30, 1903.

#8599.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 16, 1903.

In the matter of the application of John F. Turnbull for the identification of himself, his seven minor children, Minnie A., Nancy E., Charles E., Hattie N., Henry M., Pearlie E., and Jack Turnbull, and his two grandchildren, Lanie and William Stanley Bowen, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

John F. Turnbull being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A John F. Turnbull.
Q How do you spell Turnbull? A T-u-r-n-b-u-l-l-.
Q What is your age? A 54.
Q What is your post office address? A Omba, Missouri.
Q How long have you lived there? A Well, I have lived right around in that country all my life.
Q Were you born in Missouri? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Nicholas Turnbull.
Q What was your mother's name? A Rachel Turnbull.
Q Do you claim your Choctaw blood through your father or your mother? A My mother.
Q How much Choctaw blood do you claim? A About one eighth I believe.
Q You claim your mother was a quarter Choctaw Indian? A Yes sir.
Q Has she ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I think not.
Q You are married, are you? A Yes sir.
Q Your wife is living? A My second wife is.
Q You were married twice? A Yes sir.
Q What was your first wife's name? A Sarah J. Pierce.
Q That was her maiden name? A Yes sir.
Q Turnbull after she married you? A Yes sir.
Q How long has she been dead? A 27 year.
Q You have no children, then, by her who are under age and unmarried? A No sir.
Q What was her nationality? A White.
Q What is the name of your second wife? A Missouri Pruitt.
Q That was her maiden name? A Yes sir.
Q Is she living? A Yes sir.

Q What is her nationality? A White.
Q Do you make any claim for your second wife? A No sir.
Q Have you any children by her under age and unmarried? A Yes sir.
Q Give me the name of the oldest? A Minnie A. Turnbull.
Q How old is she? A 14.
Q The next? A Nancy E. Turnbull.
Q How old? A 13.
Q The next? A Charles E. Turnbull.
Q How old? A 11.
Q The next? A Hattie N. Turnbull.
Q How old? A 9.
Q The next? A Henry M. Turnbull.
Q How old? A 6.
Q The next? A Pearlie E. Turnbull.
Q How old? A 4'
Q A girl? A Yes sir.
Q The next? A Jack Turnbull.
Q How old? A 3 months old.
Q You make application for yourself and these children? A Yes sir; and then there is another think; I have got a girl that is dead, and she has got two minor children, and I would like to know if I could register them; I am not the guardian.
Q Is their father living? A No sir, he's dead.
Q They are orphans? A Yes sir.
Q Do they live with you? A No sir.
Q Who has charge of them? A Their grandfather on their father's side, David Bowen.

By Mr Harrison, attorney for applicant: It would be almost impossible for those children to be registered by their grandfather who has charge of them; he is in a distant part of an out-lying state, and is not now in a condition to come here to register then, as far as I can learn.

By the Commission.
Q You want to make application for your deceased daughter's children, do you? A Yes sir.
Q These are your grandchildren? A Yes sir.
Q What is the name of the oldest? A Lanie Bowen.
Q How old is Lanie? A 8 years old.
Q A girl? A Yes sir.
Q The next? A William Stanley Bowen.
Q How old? A 6.
Q Any others? A Thats all.
Q What is the name of the father of these children? A Wyley J. Bowen.
Q Is he living? A No sir.
Q Was he a white man? A Yes sir.
Q What is the name of the mother of these children? A Malissa.
Q Is she living? A No sir.
Q How much Choctaw blood did Malissa have? A One sixteenth.
Q You claim one thirtysecond for these children? A Yes sir.
Q What is the post office address of these children; where will they get their mail? A Their post office address is North Cedar, Kansas.

Q The mother of these children is dead? A Yes sir, they live with their grandfather.
Q In care of whom willthey get their mail? A David Bowen.
Q Their grandfather? A Yes sir.
Q Will a letter addressed to them in care of David Bowen, North Cedar, Kansas, get to them properly? A Yes sir.
Q Was Malissa Bowen your daughter? A Yes sir.
Q You make this application then for your grandchildren because they are your daughter's children, and because unless you make this application for them their rights will not be preserved? A Yes sir.
Q Have you any authority except that you are their grandfather? A No sir, I have not; of course I am administrator of the estate.
Q The administrator of the estate of the parents of these children? A Yes sir.
Q And as such administrator and as such relative and in order to protect their interests you make this application today? A Yes sir.

To attorney: Judge Harrison, as counsel for this applicant, representing his claim and his interests, do you approve of this application made for these children? A Yes sir.

To applicant:
Q When were you married to your wife, Missouri Turnbull? A In '86 or '87.
Q Do you remember the day of the month of your marriage to your wife, Missouri? A It was the 26th day of June, 1887.
Q At what place were you married? A We were married in Topaz, Missouri.
Q By a minister under a license? A Yes sir.
Q Have you proof of your marriage withyou now? A No sir.
Q Do you know when W. J. Bowen was married to your daughter, Malissa? A They was married,— I cant give the day and date,— I think it was eleven years ago this coming spring.
Q Where were they married? A Right there near Topaz, Douglas County, Missouri.
Q By a minister under a license? A Yes sir.
Q You have not the proof of their marriage with you now? A No sir.
Q These grandchildren, then, claim through their mother, Malissa, who was your daughter, and their claim is identical with yours? A Yes sir.
Q Is your name or are the names of your children or your grandchildren, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for yourself, your children, or your grandchildren, for citizenship in the Choctaw Nation to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children, or your grandchildren, ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Do you now come before the Commission to identify yourself, your children, and your grandchildren as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand article 14 of that treaty? A I dont know as I do exactly; I understand it was an amendment to the treaty of 1830, but I dont know as I do exactly understand it.

Well, a treaty is an agreement in writing, or a compact, made between Nations. It is called a treaty because it is made between Nations and not between individuals, and an article in a treaty is one of its subdivisions or sections. In 1830 on the 27th day of September of that year, the treaty of Dancing Rabbit Creek was made at a place by that name in Mississippi, between the United States government and the Choctaw tribe of Indians, who, at that time, lived in the old Choctaw Nation, partly in Mississippi and partly in Alabama. The object of the treaty was to get the consent of the Choctaw Indians to remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty. In order, therefore, to protect the interests of those Indians who stayed back in the old Choctaw Nation, the treaty was amended, as you said, to include article 14. This article was put into the treaty of 1830 for the especial protection of Mississippi Choctaws and their descendants. Now, article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A I think Alabeth Ball did.
Q Do you know how that is spelled? A My recollection is that it is A-l-a-b-e-t-h; I am not positive.
Q Now, do you know whether she claimed through her father or mother? A I think through her mother.
Q What was her father's name? A Ball.
Q Full name? A I dont know.
Q What was her mother's name? A Well, I dont know that for certain; I understood she was Tendergrass.

Q Was Tendergrass her given name or surname? A Surname.
Q Do you know what her Christian name was? A No sir.
Q Did she afterwards marry a man named Ball? A Yes sir.
Q Do you know whether she, or whether Alabeth Ball, lived in Mississippi or Alabama in 1830, and was the head of a family there then? A I dont know; I have been informed that they went there and claimed their right.
Q What relation was Alabeth Ball to you? A My grandmother.
Q Your mother's mother? A Yes sir.
Q How much Choctaw blood did she have? A One half.
Q Do you understand that she went to Mississippi or to Alabama to claim that right? A To Mississippi.
Q Did she go there in 1830? A Yes sir, that is my understanding.
Q Did she claim her right before Colonel Ward by going to him at his office within six months after the ratification of the treaty of 1830, and requesting to be registered under article 14? A Thats the way I understand it.
Q What was done with her application then? A I dont know.
Q Did she live on land in Mississippi or Alabama in the old Choctaw Nation for five years after the treaty of 1830 was fatified, and at the expiration of five years did she get a deed or patent of the land from the government under article 14 of the treaty of 1830? A I think not.
Q Did she, or any Choctaw ancestors of yours, claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A If any of them did it was her; I understood she did; but I never understood she got any.
Q She claimed,but did not get any land? A Thats my understanding, yes sir.
Q Did she live in Mississippi after she went to Colonel Ward? A I dont think she did.
Q Where did she go? A To North Carolina I think, and from there to Missouri'
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 18030 and the date of this application made by you today, for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A Not that I know of
Q Did any of your Choctaw ancestors go from that old Nation to the Choctaw Nation, Indian Territory, at the expense of the government with the other Indians between 1833 and 1838? A If they did, I dont know it.
Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A If they did I dont know it.
Q Did any of your Choctaw ancestors go before the Commission of 1837, appointed by an act of Congress approved March 3rd, 1837, or the Commission appointed by an act of Congress approved August 23rd, 1842, and claim any benefits under article 14 of the treaty of 1830? A If they did I dont know it.

These commissions were appointed by various acts of Congress because of the complaints made by Choctaw Indians that they had gone to Colonel Ward and attempted to register under article 14 of the treaty of 1830, but that Colonel Ward had refused to register them under that article, and because of his refusal they had lost their land in the old Choctaw Nation, the government had taken it from them and sold it at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which was issued under an act of Congress approved August 23, 1842? A I know nothing of that if they did.

This scrip was issued to Indians who proved their rights under article 14 and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government, and entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas.

Q Do you speak or understand the Choctaw language? A No sir.
Q Are you related to John H. Bennight? A Yes sir.
Q What relation? A A cousin.
Q Do you want to have his case referred to in the consideration of your own case? A Yessir, I guess so.

The case of John H. Bennight, et al., M. C. R. 6255, is referred to as a relative of this applicant claiming through the same common ancestor.

By Mr Harrison, attorney for applicant:
Q What is your understanding about the visit Alabeth Ball made to Mississippi for the purpose of getting her land as a Choctaw, and about when it was made? A I understand about the year 1830 she went down there and claimed her rights and failed to get it.
Q Do you get that from your family history, or family tradition? A Yes sir.
Q Who, if anyone, went with her that you have heard? A Aaron Freeman.
Q That is her husband? A Yes sir, her husband.
Q Do you know of any persons who would probably know something about that fact? A Yes sir, I think I ~~have~~ do.
Q Will,you give us the names and post offices, if you can? A Elizabeth Lee, Mountain Grove, Missouri.
Q Who else? A Lets see,—
Q Well, to refresh your memory, Quincy A. Bell of Plato, Missouri? A Yes sir.
Q What is your understanding that these people know about Alabeth Ball trying to get her land in Mississippi as a Mississippi Choctaw? A My understanding is that they saw her there, or going down there,and said that was what they were doing down there for, and in about two or three weeks afterwards they came back and said they could not get it, had failed; for what cause I dont know.
Q Do you know Andrew Pruitt? A Yes sir.
Q Do you have any reason to believe that Andrew Pruitt knows anything about the facts in this case? A Why, I presume he does; he has been about the Freeman family all his life.
Q What is his post office address? A Oil Trough, Independence County, Arkansas.
Q How old is Elizabeth Lee? A Somewhere in the neighborhood of 85 I think.
Q How old do you understand Quincy A.Bell is? A I understand she is older than Mrs. Lee, but I dont know how much; somewhere up towards 90, between 85 and 90; she's a sister of Mrs. Lee.

By the Commission, to Attorney Harrison:
Q Do you want any time, Judge Harrison? A Yes sir.

John F Turnbull------7

30 days time is allowed this applicant in which to introduce other proper evidence in support of this application; also proof of his marriage to his wife, Missouri, and the marriage certificate of his marriage to his wife, SarahTurnbull, and also proof of the marriage of his daughter, Malissa Bowen, to her husband, W. J. Bowen.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair, blue eyes, mdium fair complexion.

Q Your mustache and whiskers were formerly light brown? A They were black you might call them, but you might call them brown.

His mustache and whiskers were formerly brown, now somewhat gray; he has no knowledge of the Choctaw language and has knowledge of a compliance on the part of his ancestors with article 14 of the treaty of 1830 is based upon family history and tradition.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribeshe recorded in full the above proceedings at Muskogee, I. T., on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 22 day of January, 1903.

Charles H Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. $6599, and the cases consolidated therewith.

John F. Turnbull, et al.)	In re:
)	
vs.)	Application for Identification as Mississippi
)	
Choctaw Nation,)	Choctaws.

State of Missouri,)	Application and Affidavit for Commission to
)	
County of Ozark.)	take Depositions.

On this 6th day of July, A. D. 1903, before me S B Coombes a Notary Public within and for said County and State, appeared John F. Turnbull, who being by me duly sworn on oath states: That on the 16th. day of January, 1903 he made personal application to the Commission to the Five Civilized Tribes for identification of himself anf six minor children as Mississippi Choctaws.

That affiant is desirous of securing the testimony of Gilbert G. Kizzia and Andy Punett in support of his said application, and the cases consolidated therewith, for identification as Mississippi Choctaws; that said Gilbert G. Kizzia is 83 years of age and resides in Newport, Arkansas; that the said Andy Punett is 85 years of age and resides at Riverside, county of Jackson, state of Arkansas; that by reason of their extreme age and the infirmities arising therefrom they are physically unable to appear in person before the Commission to the Five Civilized Tribes to testify as witnesses in support of this application; that the testimony of said witnesses is material to affiant's claim.

That said witness, if present, would testify that they were personally acquainted with Alabeth Freeman and knew her to be a half breed Choctaw Indian and the wife of Aaron Freeman, a white man; that they lived together and were known and respected as husband and wife in the community in which they lived; that the said Alabeth Freeman and her husband lived in the old Choctaw Nation in 1880 and prior thereto and raised a large family

of children; that the said Alabeth Freeman was the head of a family in 1830; that she attempted to comply with the provisions of the 14th. article of the treaty of 1830; that Alabeth Freeman with her husband and family continued to live in the old Choctaw Nation in Mississippi until after 1831 when they went to North Carolina; that they knew the members of the family of Alabeth and Aaron Freeman while the lived in Mississippi and in 1830.

Therefore, the premises considered your petitioner asks that the Honorable Commission to the Five Civilized Tribes shall cause to be issued commissions to take the depositions of the above named witnesses to be read as evidence in support of the application of this affiant and the applicants whose cases are consolidated therewith, for identification as Mississippi Choctaws.

John F. Turnbull

Subscribed and sworn to before me this 6th day of July, 1903.

L B Coomes
Notary Public.

My commission expires
March 15- 1904

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #6999, and the cases consolidated therewith.

John F. Turnbull, et al., Claimants.	)	In Re:
vs.	)	Application for Identification as
Choctaw Nation.	)	Mississippi Choctaws.

NOTICE TO TAKE DEPOSITIONS.

To Messrs McMurray-Mansfield & Cornish,

Attorneys of Record for the Choctaw & Chickasaw Nations:

Your are hereby notified that the depositions of Andy Punett a witness herein, to be read as evidence in the above entitled cause on the part of the claimants, will be taken at the office of H. E. Bragg, Esquire, at Newport, County of Jackson, state of Arkansas, on the 30th day of July, 1908, before H. E. Bragg, Esquire, a Notary Public within and for said county and state, whose post office address is Newport, Arkansas, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, and that the taking of said deposition, if not completed on that day will be continued from day to day, at the same place and at the same hours until completed.

In compliance with the rules and regulations of the Commission to the Five Civilized Tribes, governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, we hereto attach a copy of the interrogatories filed herein.

Thomas H Harrison
Attorneys for Applicants.

United States of America,)
Indian Territory,)
Western District.)

I hereby certify that I served the within notice to take depositions by leaving a copy of the same, together with a copy of the interrogatories, with Geo. A. Mansfield a member of the firm of McMurray-Mansfield & Cornish, attorneys for the Choctaw and Chickasaw Nations. on the 6th day of July A.D. 1903

Witness my hand this
6th day of July. 1903.

Edgar Golden

Subscribed and sworn to before me this 6th day of July, 1903.

Notary Public.
Clerk U.S. Court Cent
District I T

I hereby certify that a copy of the interrogatories was left with Geo. A. Mansfield, one of the firm of Mansfield, McMurray & Cornish, at the time of the service of the above named notice to take depositions.

Edgar Golden

Subscribed and sworn to before me, this 16th day of July, 1903.

Clerk U. S. Court, Cent. Dist.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #6599, and the cases consolidated therewith.

John F. Turnbull, et al., Claimants.	)	In Re:
vs.	)	Application for Identification as
Choctaw Nation.	)	Mississippi Choctaws.

NOTICE TO TAKE DEPOSITIONS.

To Messrs McMurray-Mansfield & Cornish,

Attorneys of Record for the Choctaw & Chickasaw Nations:

Your are hereby notified that the depositions of Gilbert G. Kizzia a witness herein, to be read as evidence in the above entitled cause on the part of the claimants, will be taken at the office of H. E. Bragg, Esquire, at Newport, County of Jackson, state of Arkansas, on the 30th day of July, 1903, before H. E. Bragg, Esquire, a Notary Public within and for said county and state, whose post office address is Newport, Arkansas, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, and that the taking of said deposition, if not completed on that day will be continued from day to day, at the same place and at the same hours until completed.

In compliance with the rules and regulations of the Commission to the Five Civilized Tribes, governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, we hereto attach a copy of the interrogatories filed herein.

Thomas B. Harrison
Attorneys for Applicants.

United States of America,)
Indian Territory,)
Western District.)

I hereby certify that I served the within notice to take depositions by leaving a copy of the same ~~together with a copy of the interrogatories~~ with Gen C A Mansfield a member of the firm of McMurray-Mansfield & Cornish, attorneys for the Choctaw and Chickasaw Nations, on the 6th day of July A D 1903.

Witness my hand this the 6th day of July, 1903.

Edgar Golden

Subscribed and sworn to before me this 6th day of July, 1903.

[signature]
~~Notary~~ Public
Commissioner
Cent Dist I T

I hereby certify that a copy of the interrogatories was left with Gen. A. Mansfield, one of the firm of Mansfield, McMurray & Cornish, at the time of the service of the above named notice to take depositions.

Edgar Golden

Subscribed and sworn to before me, this 16th day of July, 1903.

[signature]
Clerk U. S. Court, Cent. Dist.

DEPARTMENT OF THE INTERIOR.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #6599, and the cases consolidated therewith.

John F. Turnbull, et al Claimants.	)	In Re:
vs	)	Application for Identification as a
Choctaw Nation.	)	Mississippi Choctaw.

Western District,) SS.
Indian Territory.)

On this 9th. day of March, 1903, before Harry G. Davis a Notary Public in and for the Western District of the Indian Territory, appeared John F. Turnbull, who being by me duly sworn on oath states: That on the 16th. day of January, 1903, he made personal application to the Commission to the Five Civilized Tribes for identification of himself and his six minor children as Mississippi Choctaws.

That affiant is desirous of securing the testimony of Elizabeth Lee, Quincy A. Bell and William Kearney in support of his said application, and the cases consolidated therewith, for identification as Mississippi Choctaws; that said Elizabeth Lee is 84 years of age and resides at Mountain Grove, county of Wright, state of Missouri; that said Quincy A. Bell is 79 years of age and resides at Beaubidux, county of Texas, state of Missouri, and that William Kearney is 84 years of age and resides at Omba, Missouri; that by reason of their extreme age and the infirmities arising therefrom they are physically unable to appear in person before the Commission to the Five Civilized Tribes to testify as witnesses in support of this application; that the testimony of said witnesses is material to affiants claim;

That said witnesses, if present, would testify that they know Alebeth Ball to be a half bred Choctaw Indian; that said Alebeth Ball was the wife of Aaron Freeman, a white man, and that they lived together and were known and respected as husband and wife in the community in which they lived; that said Alebeth Freeman and her husband lived in Mississippi in

1830, and prior thereto, and raised a large family; that Alebeth Freeman was born in Mississippi; that said witnesses will testify that Alebeth Freeman was a half bred Choctaw who complied or attempted to comply with the 14th. Article of the Treaty of 1830; that said witnesses knew Rachel Freeman to be the daughter of Aaron Freeman, and that she married Nickolas Turnbull; that the applicant, John F. Turnbull, is the son of Nickolas Turnbull and his wife Rachel; that Danie Freeman was the son of Aaron Freeman and his wife Alebeth; that Sarah Freeman was the daughter of Aaron Freeman and his wife Alebeth, that she married Henry Wood; that William J. Freeman was the son of Aaron Freeman and his wife Alebeth, that he married Rachel James. That Samuel Freeman was the son of Aaron Freeman and his wife Alebeth, that he married a Miss Caps. That there were other children born unto Aaron Freeman and his wife Alebeth, in all thirteen of fourteen.

Wherefore, the premises considered your petitioner asks that the Honorable Commission to the Five Civilized Tribes shall cause to be issued commissions to take depositions of the above named witnesses to be used as evidence in support of the application of this affiant, and the applicants whose cases are consolidated therewith, for identification as Mississippi Choctaws.

John F. Turnbull

Subscribed and sworn to before me this 9th. day of March, 1903.

My Com. Ex. July 1st 1906.

Harry G. Davis.
Notary Public.

INTERIOR DEPARTMENT.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #6599, and the cases consolidated therewith.

.. F. Turnbull, et al, Claimants. vs Choctaw Nation.	In Re: Application for Identification as Mississippi Choctaws.

NOTICE TO TAKE DEPOSITIONS.

To McMurray, Mansfield & Cornish,

Attorneys of Record for the Choctaw & Chickasaw Nations:

You are hereby notified that the deposition of Elizabeth Lee, witness herein, to be read in evidence in the above entitled cause on the part of the ~~petitioners~~ claimants will be taken at the home of the said Elizabeth Lee, in the town of Mountain Grove ~~Township~~, county of Wright, and state of Missouri, on the 31 day of ~~February~~ March, 1903, before J. W. Allen, a Notary Public, within and for said county and state, whose post office address is Mountain Grove, Missouri, between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon; and that the taking of said deposition, if not completed on that day, will be continued from day to day, at the same place and at the same hours, until completed.

In compliance with the rules and regulations of the Commission to the Five Civilized Tribes, governing the procedure in the taking and submission of depositions in support of the applications for identification as Mississippi Choctaws, we hereto attach a copy of the interrogatories filed herein.

Thomas Harrison

Attorneys for Applicants.

Service of notice is hereby accepted on this the 14th day of February, 1903.

McMurray & Mansfield & Cornish

Attorneys for Choctaw & Chickasaw Nations.

INTERIOR DEPARTMENT.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #6599, and the cases consolidated therewith.

John F. Turnbull, et al,	) (	In Re:
	) (	
vs	) (	Application for Identification as
	) (	
Choctaw Nation.	) (	Mississippi Choctaws.

NOTICE TO TAKE DEPOSITIONS.

To McMurray, Mansfield & Cornish,

Attorneys of Record for the Choctaw & Chickasaw Nations:

You are hereby notified that the deposition of Quincy A. Bell, witness herein, to be read in evidence in the above entitled cause on the part of the plaintiffs, will be taken at the home of the said Quincy A. Bell, in the town of Raubidux, county of Texas, state of Missouri, on the 21" day of March, 1903, before J. M. Gladen, a Notary Public within and for said county and state, whose post office address is Turley, Missouri, between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon; and that the taking of said deposition if not completed on that day, will be continued from day to day, at the same place and at the same hours, until completed.

In compliance with the rules and regulations of the Commission to the Five Civilized Tribes, governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, we hereto attach a copy of the Interrogatories filed herein.

Thomas B. Harrison

Attorneys for Applicant.

Service of notice is hereby accepted on this the 17" day of February, 1903.

McMurray, Mansfield & Cornish

Attorneys for the Choctaw & Chickasaw Nations.

INTERIOR DEPARTMENT.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #6599, and the cases consolidated therewith.

John F. Turnbull, et al.) In Re:
Claimants.)
) Application for Identification as
) Mississippi Choctaws.
Choctaw Nation.

NOTICE TO TAKE DEPOSITIONS.

To Messers McMurray, Mansfield & Cornish,

Attorneys of Record for the Choctaw & Chickasaw Nations:

You are hereby notified that the depositions of William Kearney, a witness herein, to be read in evidence in the above entitled cause on the part of the claimants, will be taken at the office of R. Combs, Esquire, at Dora, county of Ozark, state of Missouri, on the 31" day of March, 1903, before R. Combs, Esquire, a Notary Public within and for said county and state, whose post office address is Dora, Missouri, between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon, and that the taking of said deposition, if not completed on that day, will be continued from day to day, at the same place and at the same hours, until completed.

In compliance with the rules and regulations of the Commission to the Five Civilized Tribes, governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, we hereto attach a copy of the interrogatories filed herein.

Thomas P. Harrison
Attorneys for Applicants.

Service of notice is hereby accepted on this the 17" day of March, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

DEPARTMENT OF THE INTERIOR.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. 26699, and the cases consolidated therewith.

John F. Turnbull, etal.) In Re:
vs.) Application for Identification as Mississippi
Choctaw Nation.) Choctaws.

State of Missouri.)
County of Ozark) Application and Affidavit of John F. Turnbull for commission to take Depositions.

On this 20 day of October, 1903, before me, a Notary Public within and for said county and state, appeared John F. Turnbull, who being by me duly sworn, on oath states: That on the 18th. day of January, 1903, he made personal application to the Commission to the Five Civilized Tribes for identification of himself and his minor children as Mississippi Choctaws.

That affiant is desirous of securing the testimony of Philip Carman in support of his said application, and the cases consolidated therewith, for identification as Mississippi Choctaws; that said Philip Carman is 88 years of age and resides at Omba, county of Douglas, state of Missouri; that by reason of his extreme age and the infirmities arising therefrom and incident thereto he is physically unable to appear in person before the Commission to the Five Civilized Tribes to testify as a witness in support of this application; that the testimony of said witness is material to affiants claim.

That said witness, if present, as affiant believes, would testify that he knew Alabeth Ball to be a half blood Choctaw Indian; that the said Alabeth Ball was the wife of Aaron Freeman, a white man, and that they lived together as husband and wife and were known and respected as such in the community in which they lived; that the said Alabeth Freeman and her husband lived in Mississippi in 1830 and prior thereto, and raised a large family; that Alabeth Freeman was a half blood Choctaw who attempted to comply with the 14th. article of the treaty of 1830; that said witnesses knew Rachel Freeman to be the daughter of Aaron and Alabeth Freeman, and that she married Nicholas Turnbull;

that the applicant John Fl Turnbull, is the son of Nicholas Turnbull and his wife Rachel; that Daniel Freeman was the son of Aaron Freeman and his wife Alabeth, and that he married Sarah Taylor; that Sarah Freeman was the daughter of Aaron Freeman and his wife Alabeth, and that she married Henry Wood; that William was the son of Aaron Freeman
Fl Freeman and his wife Alabeth, and that he married Rachel James;

That Samuel Freeman was the son of Aaron Freeman and his wife Alabeth and that he married a Miss Capps. That there were other children born unto Aaron Freeman and his wife Alabeth.

Wherefore the premises considered your petitioner asks that the Honorable Commission to the Five Civilized Tribes shall cause to be issued commission to ~~him~~ take the deposition of the above named witness to be read as evidence in support of the application of this affiant, and the applicants whose cases are consolidated therewith, for identification as Mississippi Choctaws.

John F. Turnbull

Subscribed and sworn to before me this 20 day of October, 1902.

L B Coombs
Notary Public.

My commission expires. March 13, 1904

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #6389, and the cases consolidated therewith

John F. Turnbull, et al, Claimants.	)	In Re: Application for Identification as Mississippi Choctaws.
vs.	)	
Choctaw Nation.	)	
	)	

NOTICE TO TAKE DEPOSITIONS.

To Messrs. Mansfield, McMurray & Cornish,

Attorneys of Record for the Choctaw & Chickasaw Nation:

You are hereby notified that the deposition of Philip Carman, witness herein, to be used as evidence in the above entitled cause on the part of the claimants, will be taken at the home of the said Philip Carman, in the county of _____, state of Missouri, on the 12th day of November 1903, before J. T. Gilmore, Notary Public within and for said county and state, whose post office address is Pomona, Missouri, between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon, and that the taking of said depositions if not completed on that day, willbe continued from day to day, at the same place and at the same hours, until completed.

In compliance with the rules and regulations of the Commission to the Five Civilized Tribes, governing the procedure in the taking and ~~procedure in the taking and~~ submission of depositions in support of applications for identification as Mississippi Choctaws, we attach a copy of the interrogatories filed herein.

Thomas & Thomson
Attorneys for Applicants.

United States of America,)
Indian Territory,) S S .
Central District,)
)

I hereby certify that I served a copy of the above notice to take depositions, also a copy of the interrogatories filed herein and attached hereto on Thos. A. Mansfield, a member of the firm of Mansfield, McMurray & Cornish, Attorneys of record for the Choctaw & Chickasaw Nations, on this 23rd day of October, 1903.

Citizen Petitioner

Subscribed and sworn to before me this 23rd day of October, 1903.

E. B. Townsend Notary Public

My commission expires

By D. C. McDonnell Clerk

6599

M. C. R.

No. 6599 Ch. F.

In Re: Application for Identification as Mississippi Choctaws.

John F. Turnbull et al Claimants.

Motion for continuance for the purpose of introduction of additional testimony.

THOMAS & HARRISON,

ATTORNEYS-AT-LAW,

MUSKOGEE, - IND. TER.

TIMES PRINT

6599

DEPARTMENT OF THE INTERIOR.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #8699, and the cases consolidated therewith.

John F. Turnbull, et al.) In Re:
vs.) Application for Identification as Mississippi
Choctaw Nation.) Choctaws.

MOTION FOR CONTINUANCE FOR THE PURPOSE OF THE INTRODUCTION OF ADDITIONAL TESTIMONY.

Come Thomas & Harrison, attorneys of record for claimants, and move for a continuance in this case for the purpose of the introduction of additional testimony, and in support of said motion state: That they did not know nor were th y advised of the existence of Philip Carman until a short time before application was made to the Commission to the Five Civilized Tribes for a commission to take the testimony of the said witness; that they were advised by the said John F. Turnbull, one of the claimants herein, that the said Philip Carman had but a short time prior thereto returned to his home near Omba, in the state of Missouri; that the said Philip Carman is 88 years of age, and a person of extreme feeble health and physically unable to appear in person before the Commission to the Five Civilized Tribes to testify as a witness in support of said application; that the testimony of said witness is material to affiants' claim; that the said witness would testify, if present, that he was personally acquanited with Alabeth Ball, the common ancestor of the claimants herein and knew her to be a half blood Choctaw Indian; that the said Alabeth Ball became the wife of Aaron Freeman and that they lived together as husband and wife and were known and respected as such in the community in which they lived; that she and her said husband lived in Mississippi on the old Choctaw Reservation in 1830 and prior thereto and at that time she was the head of a family; that Alaneth Freeman attempted to comply with the 14th. Article of the treaty of 1830; that said witness knew Rachel Freeman to be the daughter of

Aaron Freeman and his wife Alabeth; and that she married Nickolas Turnbull; that John F. Turnbull is the son of Nickolas Turnbull and his wife Rachel; that Daniel Freeman was the son of Aaron Freeman and his wife Alabeth, and that he married Sarah Taylor; that Sarah Freeman was the daughter of Aaron Freeman and his wife Alabeth, and that she married Henry Wood; that William J. Freeman is the son of Aaron Freeman and his wife Alabeth, and that he married Rachel Jones; that Samuel Freeman was the son of Aaron Freeman and his wife Alabeth and that he married a Miss Cappe. That there were other children born unto Aaron Freeman and his wife Alabeth.

Wherefore your petitioners' pray that the decision in this case be held up and that an extension of time be granted for the purpose of the introduction of the testimony of the witness Philip German to be taken by deposition and read as evidence in this case.

Respectfully submitted,

Thomas & Thomson

Attorneys for Claimants.

M C R 6599

Muskogee, Indian Territory, February 24, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the original marriage license and certificate between J. W. Bowen and Mallisie Turnbull; affidavit of John F. Turnbull; original marriage license and certificate between John F. Turnbull and Missouri E. Pruitt; affidavit of Rebecca E. Freeman to the marriage between John F. Turnbull and Sarah J. Pierce; certificate of John A. Spurlock, recorder of Douglas county, Missouri, to the destruction of the records of said county by fire; certificate of Robert Q. Gilliland, recorder of Ozark county, Missouri, to the destruction of the records of said county by fire; affidavit of Alabeth Johnson to the marital relations between Nickolas and Rachel Turnbull; affidavits of William James and Isah Collins to the marriage of Nickolas Turnbull and Rachel Turnbull, offered for filing in support of the application made by John F. Turnbull for the identification of himself and minor children and grandchildren as Mississippi Choctaws. The same have been filed

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with the record in this case.

Respectfully,

Chairman.

M.C.R. 6599.

Muskogee, Indian Territory, March 27, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 16, 1903, enclosing affidavit of John F. Turnbull, an applicant before this Commission for identification as a Mississippi Choctaw, wherein he sets forth his reasons for desiring to have the depositions of Elizabeth Lee, of Mountain Grove, Wright County, Missouri, Quincy A. Bell, of Raubidux, Texas County, Missouri and William Kearney, of Omba, Missouri taken for use in his application for identification as a Mississippi Choctaw, together with direct interrogatories to be propounded to each of said witnesses. It is also noted that the attorneys for the Choctaw and Chickasaw Nations on the 14th day of February, 1903, accepted service of notice of this application to take the depositions of witnesses aforesaid.

You are advised that the affidavit and interrogatories above referred to are in due form and will be held the fifteen days for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, at the expiration of which time

commissions will be issued for the taking of depositions and will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Chairman.

M C R 7323
M C R 6599
M C R 7011

Muskogee, Indian Territory, April 16, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing certified copy of marriage license and certificate between J. H. Cheatham and Miss N. B. Linam, offered in support of the application made by Nola Hellums for the identification of her minor child, Johnnie W. Cheatham, as a Mississippi Choctaw.

Also affidavits of Mrs. Margaret Manning and Hezekiah J. Inman, offered in support of the application made by John F. Turnbull for the identification of himself and minor children as Mississippi Choctaws.

Also certificates of the Clerk of Putnam county, Illinois, relative to the marriage of Reuben Harper and Sarah Rouse, and Alexander W. Johnston and Sarah E. F. Harper, offered in support of the application made by Elvira A. Johnston for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

M.C.R. 6599

Muskogee, Indian Territory, April 21, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of Quincy A. Bell, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of John F. Turnbull, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness, also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Chairman.

Enclosures:
J. D. 18.

M.C.R. 6599.

Muskogee, Indian Territory, April 21, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of William Kearney, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of John F. Turnbull, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Chairman.

Enclosures:
J. D. #19.

M.C.R. 6599.

Muskogee, Indian Territory, April 21, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of Elizabeth Lee, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of John F. Turnbull, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Chairman.

Enclosures:
J. D. # 17.

M.C.R. 6599.

Muskogee, Indian Territory, July 3, 1903.

Thomas & Harrison,

Attorneys-at-law,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your communication of April 27th, 1903, enclosing the affidavit of John Clinton, wherein he sets forth his reasons for desiring to have a certain deposition taken in support of his application for identification as a Mississippi Choctaw; also interrogatories to be propounded to said witness with proof of service of copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form, have been filed with and made a part of the record in the application of John F. Turnbull, M.C.R. 6599, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of this deposition and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

THOMAS & HARRISON,
ATTORNEYS-AT-LAW.
ROOMS 9 AND 10 TURNER BUILDING

JOHN R. THOMAS.
WM. M. HARRISON

MUSKOGEE, IND. TER., July 10" 1903

TO THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indan Territory.

Gentlemen:-

In compliance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, we inclose herewith the application and affidavit of John F. Turnbull for a commission to take the depositions in M. C. R. #6599, et al. accompanied by summons, of which service has been had upom Messrs McMurray-Mansfield & Cornish, Attorneys of record for the Choctaw and Chickasaw Nations, and also copy of interrogatories, and we respectfully ask that a commission to take depositions be issued in accordance therewith.

Respectfully submitted.

Thomas & Harrison
Attorneys for Claimants.

33 INDEXED.



Thomas & Harrison,
Muskogee, I. T.,
July 10, 1903.

Transmit application and affidavit of John F. Turnbull for commission to take depositions in M. C. R. 6599.

CHOC-CHIC ENROLLMENT.

THOMAS & HARRISON,
ATTORNEYS-AT-LAW,
ROOMS 9 AND 10 TURNER BUILDING

JOHN R. THOMAS.
WM. M. HARRISON

MUSKOGEE, IND. TER., July 10" 1903

TO THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory.

Gentlemen:-

In compliance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, we inclose herewith the application and affidavit of John F. Turnbull for a commission to take the depositions in M. C. R. #6599, et al. accompanied by summons, of which service has been had upon Messrs McMurray-Mansfield & Cornish, Attorneys of record for the Choctaw and Chickasaw Nations, and also copy of interrogatories, and we respectfully ask that a commission to take depositions be issued in accordance therewith.

Respectfully submitted.

Thomas & Harrison
Attorneys for Claimants.

M.C.R. 6599.

Muskogee, Indian Territory, July 14, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 10th, 1903, enclosing the affidavit of John F. Turnbull, wherein he sets forth his reasons for desiring to have certain depositions taken in support of the application which he made in behalf of himself and his minor children as Mississippi Choctaws; also interrogatories to be propounded to said witnesses.

The same are, herewith, returned for the reason that the proof of service does not show that a copy of the interrogatories have been served upon the attorneys for the Choctaw and Chickasaw Nations, as required by the Rules and Regulations.

Respectfully,

Commissioner in Charge.

Enclosures:
J.D. #1, 2 & 3.

M.C.R. 6599.

Muskogee, Indian Territory, July 17, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your communication of July 17th, 1903, enclosing the affidavit of John F. Turnbull wherein he sets forth his reasons for desiring to have certain depositions taken in support of the application which he made in behalf of himself and minor children as Mississippi Choctaws; also interrogatories to be propounded to said witnesses, with proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form, have been filed with and made a part of the record in the application of John F. Turnbull, et al., M.C.R. 6599, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of these depositions and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

M.C.R. 6599.

Muskogee, Indian Territory, August 1, 1906.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of Andy Punett, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of John F. Turnbull, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J.D. #2.

Commissioner in Charge.

M.C.R. 6599.

Muskogee, Indian Territory, August 1, 1905.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of Gilbert G. Kizzia, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of John F. Turnbull, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Commissioner in Charge.

Enclosure:
J. D. #1.

M.C.R. 6599

Muskogee, Indian Territory, October 27, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the twenty fourth instant inclosing the application of John F. Turnbull for a commission to take the deposition of Philip Carman to be used in evidence in the matter of the application of John F. Turnbull, et al for identification as Mississippi Choctaws, accompanied by notice, direct interrogatories and proof of service upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

The same are returned to you herewith and you are advised that a decision has been prepared in the matter of the application of John F. Turnbull et al. for identification as Mississippi Choctaws which is now receiving the consideration of the Commission.

This case has been pending before the Commission for some time and we are directed and instructed by the Department to prepare and forward decisions in all Mississippi Choctaw cases at the earliest practicable date. Apparently these applicants have had sufficient

time allowed them within which to secure such testimony as they deemed requisite to submit in the matter of their application for identification as Mississippi Choctaws, and there is nothing in our records showing that any continuance has been asked for for the purpose of introducting any additional testimony.

Respectfully,

Commissioner in Charge.

AB 2-27

M C R 6599

Muskogee, Indian Territory, October 30, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes has this day granted your application in behalf of John F. Turnbull, et al., M.C.R. 6599, applicants for identification as Mississippi Choctaws, for a continuance for the purpose of taking the deposition of Philip Carman of Omba, Missouri, and that they will be allowed until Monday, November 30, 1903, to introduce additional testimony in support of said cause, and at the expiration of said time the case be closed.

A copy of the decision granting said continuance is herewith enclosed.

Respectfully,

J D 1-30

Chairman.

M C R 6599

Muskogee, Indian Territory, October 30, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of the affidavit of John F. Turnbull, wherein he sets forth his reasons for desiring to have a certain deposition taken in support of the application which he made on behalf of himself and his minor children as Mississippi Choctaws; also interrogatories to be propounded to said witness with proof of service of copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of John F. Turnbull, et al., M.C.R. 6599, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of this deposition, and the same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Chairman.

M C R 6599

Muskogee, Indian Territory, November 14, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of Philip Carman, same to be read in evidence in the matter of the application for the identification of John F. Turnbull, et al., as Mississippi Choctaws, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness, also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Chairman.

J D 1-14

COPY.

M. C. R. 6599.

Muskogee, Indian Territory, June 15, 1904.

John F. Turnbull,

Umba, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Minnie A. Turnbull, Nancy E. Turnbull, Charles E. Turnbull, Hattie N. Turnbull, Henry M. Turnbull, Pearlie E. Turnbull and Jack Turnbull, and your grandchildren Lanie Bowen and William Stanley Bowen.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.

Chairman.

Registered.

M C R 6599

Muskogee, Indian Territory, July 8, 1904.

John F. Turnbull,

Omba, Missouri.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th inst'ant, requesting that you be furnished with a copy of the Commission's decision in the consolidated Mississippi Choctaw case of John H. Bennight, et al., of which case you are a party applicant.

In reply you are advised that on June 29, 1904, your attorneys of record, Messrs. Thomas & Foreman, Muskogee, Indian Territory, were furnished with a copy of said decision, and before the Commission could supply you with a copy it would be necessary that you file with this office a written order from each of the applicants authorizing you to receive the same, as there is only one copy of the decision prepared in such cases for all the applicants.

Respectfully,

Commissioner in Charge.

M.C.R. 6599.

Muskogee, Indian Territory, May 8, 1905.

John F. Turnbull,

Omba, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of theInterior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Rennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6599.

No. 6599

For Identification as a Mississippi Choctaw.

Date JAN 16 1903

Name John F. Turnbull.

Age 54 — Blood 7/8

Post Office. Omba, Mo.

Father Nicholas Turnbull. d.

Mother. Rachel " d.

Claims through mother, 1/4

Wife. (1) Sarah J. Turnbull. (d.w.

" (2) Missouri " l. (w)

No claim for wife.

Children.

Minnie A. Turnbull. 14

Nancy E. " 13

Charles E. " 11

Hattie N. " 9

Henry M. " 6

Pearlie E. " F 4

Jack " 3 m.

Claims for each of above children, and 2 grand children.

(over)

Stenographer H. B. Martin.

Grandchildren.

Lanie Bowers 11/32 F. 8
William S " 11/32 6
P.O North Cedar. Kan.
f. W. J. Bowers (d) w.
m. Malissa " (d) 1/16

REFUSED

John. F. Cumbud

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

NOTIC[illegible] ATTORNEYS FOR [illegible] NATIONS

RECORD FORWARDED DEPARTMENT.
AUG [illegible] 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.
APR [illegible] 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY [illegible] APPLICANT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

6255

Choctaw MCR 6600

Julia A. James

MCR 6600

#8600.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 16, 1903.

In the matter of the application of Julia A. James for the identification of herself and her minor child, Jesse C. James, as Mississippi Choctaws.

Thomas A Harrison, attorneys for applicant.

Julia A. James being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Julia A. James.
Q What is your age? A 56.
Q What is your post office address? A Topaz, Missouri.
Q How long have you lived in Topaz, or near there? A I have been raised clost around there.
Q Have you always lived in Missouri? A No, I was born in Missouri, and went from Missouri to Kanas and stayed about five years.
Q During what years, can you remember? A Yes sir, went there in '70 and remained five years.
Q Then went back to Missouri? A Yes sir.
Q Is your father living? A No sir.
Q Your mother living? A No sir.
Q What was your father's name? A Daniel Freeman.
Q What was your mother's name? A Sarah Freeman, her maiden name was Taylor.
Q Do you claim your Choctaw blood through your father or mother? A My father.
Q How much do you claim? A On eighth.
Q Your father was one fourth? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, I think now.
Q He never lived in the Territory? A No sir.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Do you know when and where theywere married? A I dont know the day of the month; it was in 1843.
Q Were they married by a minister under a license? A I couldn't say; no sir, not under a license; they were married by a minister or a Justice, I dont know which.
Q Do you know where they were married? A In Douglas County, Missouri.

Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What is his nationality? A White.
Q What is his name? A Hiram L. James.
Q Do you make any claim for him? A No sir.
Q Have you any children you want to make application for? A One.
Q What is the name? A Jesse C. James.
Q A boy? A Yes sir.
Q How old is Jesse? A Ten years old.
Q You claim for yourself and one child? A Yes sir.
Q Are you and your husband living together as husband and wife and this child living with you at your home? A Yes sir.
Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I think not.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application for yourself and child to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribalauthorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q You have heard that read and explained, have you? A Yes sir.
Q Do you understand it? A I have heard some about it.
Q Do you understand it well enough to claim under it? A Yes sir.

Without an explanation it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, bysignifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectiona lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with that article, do you know? A Not that I know of.
Q What is the name of your ancestor that you claim your Choctaw blood through? A Alabeth Freeman.
Q What was her maiden name? A Ball.
Q What was her husband's name? A Aaron.
Q How much Choctaw blood did she have? A One half.
Q What relation was she to you? A My grandmother.
Q Your father's mother? A Yes sir.
Q Are you related to John F. Trumbull? A Yes sir.
Q What relation? A First Cousin.
Q Did Alabeth Freeman, whose maiden name was Ball, live in Mississippi or Alabama in 1830 and have a family there then? A Well, of course I dont know for certain.
Q What have you heard in the family, if anything? A I have heard they lived in North Carolina, or somewhere there; I cant say where.
Q Didn't live in the old Choctaw Nation at any time then? A (No response)
Q Did She go from North Carolina to register before Colonel Ward, and then return? A Thats what I have heard.
Q Did you ever hear that she stayed in that old Choctaw Nation any length of time? A No, I think not.
Q Do you know whether she lived on land in that old Choctaw Nation, or any other Choctaw ancestor of yours, for five years, and then got a patent from the government for that land? A No sir.
Q Do you know whether any of your Choctaw ancestors did go to Colonel William Ward, the United States Indian Agent, within six months from the ratification of the treaty of 1830, and attempt to register under that article 14? A I dont know.
Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, which was on the 24th day of February, 1831, and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I dont know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians, between 1833 and 1838, at the expense of the government? A I couldn't say.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A No sir, not that I know of.

by an act of Congress approved March 3, 1837, and also by an act of Congress approved August 23, 1842, two commissions were appointed which went to Mississippi and heard claimants under article 14 of the treaty of Dancing Rabbit Creek. These Commissions were appointed because of the complaints of Choctaw Indians who claimed that they had been to Colonel Ward within six months after the ratification of the treaty of 1830, and attempted to register under article 14, but that the Agent had refused to register their names under that article, and because of his refusal the government had taken their land from them in the old Choctaw Nation, and sold it.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any rights under article 14? A I reckon they did.
Q Do you know? A I dont know only just what I have heard.
Q What have you heard about that? A I heard my grandmother went down to Mississippi and then came here to North Carolina, then they went to Missouri.

Q What date was that, do you know? A It was just about 1830.
Q Well, these Commissions were appointed, one in 1837, seven years after that, and the other in 1842; do you knowwhether they went before either of those Commissions? A I dont know about that; not that I know of.
Q Do you understand or speak the Choctaw language? A No sir.
Q Do you know whether any of your Choctaw ancestors received any scrip from the government, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.
Q Are you related to John H. Bennight? A Yes sir, cousin.
Q Do you want to have your case considered in connection with his application? A Yes sir.

The case of John H. Bennight, et al., . C. R. 6655, is here referred to as a relative of this applicant, claiming through the same common ancestor.

By Mr Harrison, attorney for applicant:
Q Where do you understand that your grandmother was married? A Well, I dont know where she was married.
Q Have you ever heard where she was married? A No sir, I dont know as I have; I couldnt say.
Q What you know about the facts you have testified to you have learned from conversations with members of your family? A Yes sir, thats all I know.
Q And you get your information from that source, and from the history and tradition of your family? A Yes sir.

By the Commission: Thirty days time is allowed this applicant to introduce other proof in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has black eyes; medium dark complexion,--

Q Was your hair formerly black? A Yes sir.

hair formerly black, now very dark, almost black; she does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 22 day of January, 1903.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 6600

Muskogee, Indian Territory, June 15,1904.

Julia A. James,

Topas, Missouri,

Dear Madam:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June, 15,1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bernight et al., including you and your minor child, Jesse C. James.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered

M.C.R. 6600.

Muskogee, Indian Territory, May 8, 1905.

Julia A. James,
Topaz, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

CC No 500

For Identification as a Mississippi Choctaw.

Date JAN 16 1903

Name Julia A. James

Age 56 Blood 1/8

Post Office. Topaz, Mo

Father Daniel Freeman, d

Mother Sarah " d

Claims through father, 1/4 mm

Husband

Hiram L. James. l.w.

No claim for husband

Children

Jesse C. James, 10

Claims for self & one minor

Stenographer W.H. Martin

Julia A. James et

REFUSED

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS AND CHICKASAW NATION

0255

Choctaw MCR 6601

William H. Wood

MCR 6601

#6601.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 16, 1903.

In the matter of the application of William H. Wood for the identification of himself and his incompetent daughter, Frances Wood, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

William H. Wood being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A William H. Wood.
Q What is your age? A 63.
Q What is your post office address? A Topaz, Missouri.
Q How long have you lived there? A Born and raised there.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Henry Wood.
Q What was your mother's name? A Sarah Wood.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A I suppose about one eighth.
Q You claim your mother was one quarter Choctaw? A Yes sir.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Is your wife living? A Yes sir.
Q What is her nationality? A It was said that her great grandfather was a quarter Injun.
Q What Indian blood? A Choctaw I think; its just hearsay.
Q Do you make any claim for your wife? A No sir.
Q Are you sure she was a Choctaw or Cherokee? A I am not sure about either one; I have just heard it talked in the family.

To Attorney Harrison: You dont claim do you, Judge, for the wife? A No sir.

To Applicant:
Q What is your wife's name? A Susan Wood.
Q Have you any children under twenty-one years of age that you want to make application for? A No sir; I have got one that

I would like to make application for.
Q How old? A She is 23.

She will have to make application for herself.

By Mr Harrison, Attorney for Applicant: She is a non compes, your Honor.

By the Commission:
Q Does she live with you? A Yes sir.
Q How old is your daughter that you want to make application for? A She's 23, if I mistake not.
Q What is her name? A Frances Wood.
Q Is she living with you? A Yes sir.
Q Are you supporting her? A Yes sir.
Q Is she an incompetent person? A Yes sir.
Q What is the matter with her? A She has fits, used to be very smart.
Q Not of good sound mind? A No sir, she is not competent at all.
Q You think she never will be competent? A No sir.
Q That is the reason you make this application for her, to preserve her rights, do you? A Yes sir.

By Mr Harrison:
Q You can get a certificate from a physician, can you not, as to her condition? A Yes sir.

Statement by Mr Harrison: Your Honor, if that is the only question we will present to the Commission a certificate of a reputable physician as to the physical condition of this person; also that she is a charge upon her father.

By the Commission: 30 days time will be allowed this applicant in which to introduce such medical certificate, and also to introduce any other proper evidence in support of this claim that this applicant may desire to present.

Q Is your wife, Susan Wood, the mother of this child, Frances? A Yes sir.
Q Have you the proof of your marriage to your wifehere? A No sir.
Q Can you tell when you were married to her? A We were married in '59.
Q What day of the month, if you remember? A 5th day of July.
Q By a minister under a license? A Yes sir,- not under a license, but by a minister.
Q Where were you married? A I was married near Topaz.
Q Missouri? A Yes sir.
Q Is your name or the name of your child, Frances, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not as I know of.
Q Has application ever been made for you or for her for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have either you or this child ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.

Q Do you come before the Commission at this time to identify yourself and her as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privile e of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with that article, do you know? A Not that I know of.
Q Whom do you claim through, Mr. Wood? A The Freemans.
Q Alabeth Freeman? A Yes sir.
Q Whom did she marry? A Aaron Freeman.
Q A white man? A I suppose so.
Q He had no Choctaw blood, did he? A No sir.
Q What was her maiden name? A Her maiden name was Alabeth Ball.
Q How much Choctaw blood did she have? A I have heard it said as much as one half.
Q What relation was she to you? A My grandmother.
Q Did she live i Mississippi or Alabama at any time? A I just ain't able to say; they come from North Carolina here.
Q You dont know whether she had a family living with her in Mississippi in 1830, or in Alabama? A No sir.
Q Do you know whether she lived for any length of time at all in the old Choctaw Nation east of the Mississippi river? A No sir, I dont.
Q Did she live on land in Mississippi or Alabama in the old Choctaw Nation for five years, a d then get a patent for that land from the government? A Not that I know of.
Q Did she go to Colonel Ward within six months after the ratification of the treaty of 1830 and register or attempt to register under article 14 of that treaty? A I have heard it talked that she went, but this is all hearsay with me.
Q That is all family history? A Yes sir.
Q Do you know whether any of yo r Choctaw ancestors claimed any land i. that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know sir.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians, between 1833 and 1838? A Not that I know of.

Q Did they go at any time after the treaty of 1830 was ratified for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir, not that I know of.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A No sir, not that I know of.
Q Did any of them go before the Commission appointed by act of Congress approved March 3rd, 1837, or the Commission appointed by act of Congress approved August 23rd, 1842, and claim any benefits under article 14 of the treaty of 1830? A I couldn't say.
Q Did any of them receive any any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government at its public land sales.

These commissions, of 1837 and 1842, were appointed because of the complaints made by Indians that had attempted to register under article 14 of the treaty of 1830, but that the agent, Colonel Ward, had refused to register them, and in consequence of his refusal the government had taken their land from them, and sold it.

Q Do you understand or speak the Choctaw language? A No sir.
Q What was the color of your hair formerly? A Black.
Q What was the color of your whiskers? A A brown, sandy.
Q Your hair was a little sandy, wasn't it? A No sir, it used to be perfectly black; well it might be a little sandy.

This applicant has the appearance and physical characteristics of being descended from white parentage; his eyes are brown; complexion medium dark; hair and whiskers gray. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830, except what he has learned from family history and tradition.

Q Is your daughter dark or light? A Very dark.

By Mr Harrison, attorney for applicant:
Q State what you have heard about your grandmother going to Mississippi to apply for land before the government agent there? A I have heard such talk, but that is all I know about it, that they went.
Q When did they go? A I couldn't say.
Q You dont recollect any of the circumstances as you heard them of that visit? A No sir.
Q Then all you know is that you have heard that your grandmother did go and apply for land as a Choctaw? A Thats all I know about it, yes sir.

Q Have you ever heard where she was married? A I dont know as I have; them come from North Carolina up there.

By the Commission: The case of John H. Bennight, et al., is hereby referred to as a relative of this applicant claiming through the same common ancestor, M. C. R. 6255.

Q What relation is he to you? A Cousin.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 22 day of January, 1903.

Charles H. Sawyer

Notary Public.

M C R 6601

Muskogee, Indian Territory, February 20, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of the 14th instant, enclosing certificate of physician to the physical and mental condition of Frances Wood whose application for identification as a Mississippi Choctaw was made by her father W. H. Wood.

You also enclose the affidavits of John M. Smith and Sarah A. Knight for filing in support of the application made by William H. Wood for the identification of himself and his daughter Frances Wood as Mississippi Choctaws.

The certificate and affidavits have been filed with the record in this case.

Respectfully,

Acting Chairman.

M C R 6601
M C R 6604
M C R 6603

Muskogee, Indian Territory, February 24, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing certified copy of marriage record between Henry W. Johnson and Mila Rankin, offered for filing in support of the application made by Henry W. Johnson for the identification of himself and minor children as Mississippi Choctaws.

Also certificate of John A. Spurlock, recorder of deeds of Douglas county, Missouri, as to the loss of records of said county, offered for filing in support of the application made by William H. Woods for the identification of himself and minor children as Mississippi Choctaws.

Also the joint affidavit of Phebee Daubs and Benjamin Freeman to the marriage of William J. Freeman and Bosey Freeman his wife, offered for filing in support of the application made by William J. Freeman for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed in these respective cases.

Respectfully,

Chairman.

M C R 7135
7137-6737-6742
6563-6636-6601

Muskogee, Indian Territory, April 27, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing certificate of marriage between John Watson and Josie Wood, offered in support of the Mississippi Choctaw case of Josie Watson, et al.

Also certified copy of marriage certificate between J. C. B. Duff and Emma Perry, offered in support of the Mississippi Choctaw case of Charles E. Duff, et al.

Also the affidavits of Robison Collins and Leonard Collins, offered in support of the Mississippi Choctaw case of William H. Wood, et al.

Also joint affidavit of Bettie Wyatt, James H. Trimble, Sallie Hoffman and J. T. Hoffman, offered in support of the Mississippi Choctaw case of Waldo P. Jett.

Also certificate of marriage between John Van Amburgh and Joanna Wood, offered in support of the Mississippi Choctaw case of Joanna Van Amburgh, et al.

Also certificate of the Clerk of Logan County, Illinois,

T & M 2

relative to the marriage of R. T. Harper and Clara B. Koonts, offered in support of the Mississippi Choctaw case of Richard T. Harper, et al.

Also certificate of the Clerk of Logan county, Illinois, relative to the marriage of Fred G. Meyer and Lerah B. Acton, offered in support of the Mississippi Choctaw case of Laura B. Mayer, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY. M. C. R. 6601.

Muskogee, Indian Territory, June 15, 1904.

William H. Wood,

Topas, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor child, Frances Wood.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior th ough the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Registered. Chairman.

M.C.R. 6001.

Muskogee, Indian Territory, May 8, 1905.

William H. Wood,

Topaz, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Pennicht et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6601 No 6601

For Identification as a Mississippi Choctaw.

Date JAN 16 1903

Name William H. Wood

Age 63 - Blood 1/8

Post Office. Topaz, Mo.

Father Henry Wood d

Mother Sarah " d

Claims through Mother 1/4

Wife.

Susan ~~Wood~~ Wood l.w.

No claim for wife.

Children. Chick -

Frances Wood - 23

Claims for self - and in component chick -

Stenographer H. N. Martin

R.

REFUSED

William A. Wood

Choctaw MCR 6602

Lovie J. Baldwin

MCR 6602

#8602.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 16, 1903.

In the matter of the application of LOVIE J. BALDWIN for the identification of herself and her three minor children, Chester L., Otha L., and Eunice L. Baldwin, as Mississippi Choctaws.

THOMAS & HARRISON, Attorneys for Applicants.

Lovie J. Baldwin being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Lovie J. Baldwin.
Q What is your age? A 36.
Q What is your post office address? A Florilla, Missouri.
Q How long have you lived there? A Born and raised there.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Aaron F. Johnson.
Q What is your mother's name? A Alabeth.
Q How do you spell it? A I just dont know how it is spelled.
Q Alabeth, A-l-a-b-e-t-h? A Yes sir, I guess it is.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One sixteenth I believe it is.
Q You claim your mother is one eighth? A Yes sir.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your husband living? A Yes sir.
Q What is his nationality? A White.
Q Do you make any claim for him? A No sir.
Q What is his name? A Miles H. Baldwin.
Q Now, give me the names of your children, beginning with the oldest under age and unmarried? A Chester L. Baldwin.
Q How old? A He was ten years old the 10th day of last April.
Q The next? A Otha L. Baldwin.
Q How old is Otha; is that a boy? A Yes sir.
Q How old? A Seven years old.
Q What is the name of the next child? A Eunice L. Baldwin.
Q That is a girl? A Yes sir.
Q How old is Eunice? A She is two years old the 20th day of last February.
Q Just these three children? A Yes sir.
Q Is your name onany of the tribal rolls of the Choctaw Nation with your children in the Indian Territory? A No sir.

Q Is your husband, Miles H. Baldwin, the father of these children? A Yes sir.
Q Are you and he living together as husband and wife and these children living with you at your home? A Yes sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted, with your children, to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you now want to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A I don't know as I understand that.
Q Do you want an explanation of that article? A Yes sir, we claim under that I suppose.
Q You claim under article 14? A Yes sir.
Q Do you understand it well enough to claim under it, do you think; that is the article I have read and explained here to these people several times? A Yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with that article of that treaty, do you know? A Not as I know of.
Q What is the name of your ancestor that you claim your right to be identified as a Mississippi Choctaw through? A Alabeth Freeman.
Q Was her maiden name Ball? A Yes sir.
Q What was her husband's name? A Aaron Freeman.
Q How much Choctaw blood did she have? A She was one half.
Q What relation was she to you? A She was my great grandmother.
Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830, and have a family there then? A I dont know nothing about that.

Q Do you know whether she ever lived in Mississippi or Alabama? Q I dont know.
Q Or in the old Choctaw Nation at all? A Not as I know of.
Q You dont know whether she went to Colonel Ward within six months after the ratification of the treaty of 1830 and tried to register under article 14? A I have heard such talk as that.
Q You dont know only what you have been told in the family? A Thats all.
Q Where did she live if you know? A I dont know; they come from North Carolina here.
Q They went from North Carolina into Mississippi? A Yes sir.
Q When did they go into the state of Mississippi, where Colonel Ward had his office or agency? A I dont know about that.
Q Did they ever live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent of that land from the government? A I dont understand that they did.
Q And you dont understand that they daimed any land there under article 14 of the treaty of 1830? A No sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838, with the intention of remaining in the Choctaw Nation, Indian Territory? A Not as I know of.
Q Did any of them go at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not as I know of.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not as I know of.
Q Did any of them go before the Commission appointed by an act of Congress approved March 3rd, 1837, or a commission appointed by an act of Congress approved August 23, 1842, and claim any rights under article 14 of that treaty? A Not as I know of.

These commissions were appointed under various acts of Congress because of the complaints of Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified, and attempted to register, as they claimed, under article 14, but whose registration was denied or refused by Colonel William Ward, the Agent, and because of his refusal these Indians lost their lands in the old Choctaw Nation, the government took them and sold them.
By an act of Congress approved August 23rd, 1842, those Indians who proved their rights under article 14, and also proved that their land had been taken from them in the old Choctaw Nation by the government and sold, were entitled to scrip or certificates, under which scrip or certificates they might select land, either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which the government had taken from them in the old Choctaw Nation.

Q Did any of your Choctaw ancestors get any such scrip? A Not as I know of.
Q Do you speak or understand the Choctaw language? A No sir.
Q What relation is John H. Bennight to you? A Second cousin I guess, own cousin of mother's.
Q Would you like to have his case referred to in connection with your case? A Yes sir.

The case of John H. Bennight, et al., M. C. R. 6255, is here referred to as a relative of this applicant claiming through the same common ancestor.

By Mr Harrison, Attorney for Applicant:
Q What have you heard about your great grandmother going to Mississippi to get land as a Choctaw Indian? A I heard she went down there to get land, but failed.
Q When did she go? A I cant remember the date,
Q Cant you recollect the year? A I never paid any attention much to that.
Q Who went with her? A Her husband went down there with her.
Q Anyone else? A I never heard anything about anyone else going.
Q Where did they go from? A North Carolina.
Q You heard they went from North Carolina? A Yes sir.
Q Is that all you know about this case? A Thats all I know about it.

By the Commission: 30 days time is allowdd this applicant in which to introduce other proof if she desires in support of this claim.

This applicant has the appearance and physical characteristics of being descended from white parentage; light brown hair, blue eyes, medium light complexion; she has no knowledge of a compliance on the part of her ancestors with any of the visions of article 14 of the treaty of 1830; she does not understand or speak the Choctaw language.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 27 day of January, 1903.

Charles W. Sawyer

Notary Public.

#6602.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 16, 1903.

In the matter of the application of Lovie J. Baldwin, et al., for identification as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Additional testimony.

Lovie J. Baldwin, being re-called to give additional testimony in the matter of her application for the identification of herself and her minor children as Mississippi Choctaws, made before the Commission on this date, after being duly sworn testifies as follows:

Examination by Mr. Harrison, attorney for applicants.

Q In talking with your people, members of your family, and particularly the older members, do you recollect having heard them say anything about any of the old people having the name of Tendergrass? A Yes sir, her great grandmother.
Q Whose great grandmother? A My mother's great grandmother.
Q Your great grandmother was a Tendergrass? A Yes sir.
Q Was she the mother of Alabeth Ball? A Yes sir, thats my understanding.
Q When did you first hear that? A I couldn't tell you how long it has been, but I have heard her talking about that several different times.
Q Is it not true that that has been talked of in your family for some time? A Why, yes sir.
Q You did not speak of that in your examination at first, for the reason, I presume, that you were not asked that question? A I was not asked that question; I thought about it, but I didn't know it was necessary for me to mention it.
Q And telling me that fact a few moments ago is the reason why you make this statement at this time and the reason why you were recalled? A Yes sir.

By the Commission? A
Q Who was this Tendergrass? A I understand it was my mother's great grandmother.
Q What was her full name? A I couldn't say; I dont know nothing more than that.
Q Well, she must have lived a long time before Alabeth Ball, didn't she? A I dont know nothing about that.
Q Was she related to Alabeth Ball in any way? A She was Alabeth Ball's mother, is my understanding.
Q Then I understood you to testify that Alabeth Ball went to Mississippi in order to get certain rights as a Choctaw Indian under article 14 of the treaty of 1830? A Yes sir.

Lovie J Baldwin------2

Q Did you ever hear that her mother, whose name was Tendergrass, went? A I dont know nothing about that.
Q You dont know anything more, except that you know her mother's name was Tendergrass? A Thats all I know.

Witness excused.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 27 day of January, 1903.

Charles K Sawyer

Notary Public.

M C R 6602-6639
M C R 6687-6768

Muskogee, Indian Territory, March 19, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 12 12th instant, enclosing certified copy of marriage license and certificate between William J. Howard and Mary Ellen Warren, offered in support of the application made by William J. Howard for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage record between Aaron F. Johnson and Elizabeth Wood offered in support of the application of Lovie J. Baldwin for the identification of herself and minor children as Mississippi Choctaws.

Also certified copy of marriage record between John H. Wood and Christena Loyd, offered in support of the application of John H. Wood for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license between Leonard Cheatham and Brookey J. Morgan, offered in support of the application made by Brookie J. Davis for the identification of Clara E.

T & X 2

and Elisha M. Cheatham as Mississippi Choctaws.

The above mentioned documents have been filed and made a part of the record in the respective cases.

Respectfully,

Chairman.

M C R 7134
7297-7270-6644
6602-6770

Muskogee, Indian Territory, April 28, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing the following:

Joint affidavit of Jas N. Trimble, J. F. Hoffman, Sallie Hoffman, E. N. McCormick and N. A. McCormick, offered in support of the Mississippi Choctaw case of Nancy Thompson, et al.

Affidavit of Mrs. May Putnam, offered in support of the Mississippi Choctaw case of Mrs. May Putnam, et al.

Certified copy of marriage license between Miles H. Baldwin and L. J. Johnson, offered in support of the Mississippi Choctaw case of Levie J. Baldwin, et al.

Affidavit of Mrs. Emma V. Munson, offered in support of the Mississippi Choctaw case of Victor H. McCarrick; also affidavit of Mrs. S. Crary offered in support of the same case.

Marriage license and certificate between George M. Fields and Sarah Johnson, offered in support of the Mississippi Choctaw case of Sarah C. Fields, et al.

Joint affidavit of C. R. Oglesby and A. E. Rigdon, offer-

T & M 2

ed in support of the Mississippi Choctaw case of Annie Acton, et al.

Certified copy of marriage certificate between William Harper and Cassandra Dominic, offered in support of the Mississippi Choctaw case of Mrs. May Putnam, et al.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

COPY. M. C. R. 6602.

Muskogee, Indian Territory, June 15, 1904.

Lovie J. Baldwin,

Florilla, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Chester L. Baldwin, Otha L. Baldwin and Eunice L. Baldwin.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.

Chairman.

Registered.

M.C.R.6602.

Muskogee, Indian Territory, May 8, 1905.

Lovie J. Baldwin,

Florilla, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John F. Dennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6602 No. 502

For Identification as a Mississippi Choctaw.

Date JAN 16 1903

Name Lovie J. Baldwin

Age 36 Blood 1/16

Post Office, Floriela, Mo,

Father Aaron F. Johnson, C.

Mother Alabeth " C

Claims through mother - 1/8

Husband

Miles H. Baldwin, C.W.

No claim for husband

Children:

Chester L. Baldwin 10

Otha L. " " 7

Eunice L. F. 2

Claims for each and 3 minors

Witness W.H. Martin.

Lovie J. Baldwin

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

APP

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS.

REFERENCE 6255

Choctaw MCR 6603

Henry W. Johnson

MCR 6603

#6603.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 16, 1903.

In the matter of the application of Henry W. Johnson for the identification of himself and his five minor children, Luna Lenora, Rilla O., Nolan E., Allen F., and Arzella Johnson, as Mississippi Choctaws.

Thomas & Harrison, Attorneys for Applicants.

Henry W. Johnson being duly sworn testifies asfollows:

Examination by the Commission.

Q What is your name? A Henry W. Johnson.
Q What is your age? A 42.
Q What is your post office address? A Pleasant Plains, Arkansas.
Q What county is that in? A Independence County.
Q How long have you lived there? A Six years, nearly seven.
Q Where were you born? A In Missouri.
Q Where in Missouri? A I reckon in Texas County.
Q Did you live in Missouri until you went to Arkansas? A Yes sir.
Q And have lived in Arkansas seven years? A Yes sir, six years, nearly seven.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Aaron F. Johnson.
Q What is your mother's name? A Alabeth Johnson.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One sixteenth.
Q She was one eighth Choctaw? A Yes sir, thats my understanding.
Q Has she ever been enrolled or recognized as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A I have been married twice; I am living with my second wife.
Q Your first wife dead? A Yes sir.
Q What was her name? A Ella Rankin.
Q That was her maiden name? A Yes sir, Ella Johnson after I married.
Q How long has she been dead? A She has been dead,-- the 29th day of this month will be three years ago.
Q What was her nationality? A White.
Q And your second wife also is white? A Yes sir.
Q What is the name of your second wife? A Lillian Davis was her maiden name.
Q Two l's in Lillian, or one? A Two, Lillian A. Johnson now.
Q Living? A Yes sir.

Henry W Johnson----?.

Q Do you make any claim for her? A No sir.
Q Have you any children by your first wife, Ella? A Yes sir, four.
Q What is the name of the first child? A Luna Lenora.
Q How do you spell Luna? A L-u-n-a.
Q How old is she? A 14.
Q What is the name of the next child? A R-i-l-l-a O. Johnson.
Q How old is Rilla? A 11 years old.
Q What is the name of the next child? A Nolan, N-o-l-a-n, E. Johnson.
Q How old is Nolan E.? A 6 years old.
Q Rilla is a girl? A Yes sir.
Q What is the name of the next one? A Allen F. Johnson.
Q How old is he? A 4 years old.
Q Have you any children by your second wife? A I have one by my last wife.
Q Is your wife, Ella, the mother of these four children whose names you have given? A Y sir.
Q Give me the name of this other child? A Arzella, A-r-z-e-l-l-a, Johnson.
Q How old is she? A Just one year old,-- she is about 17 months old.
Q Is that the last child? A Yes sir.
Q These are all the children you have, these five? A Yes sir.
Q Is your second wife, Lillian, the mother of this last child? A Yes sir.
Q When were you married to your firstwife? A It was in '87 I believe; I have a certificate at home that gives the date and I never tried to remember; I think it was in '87.
Q Do you think you can file that certificate within a reasonable time? A The law then in Missouri was so that a man after his certificate is returned back and put on record he can get his old license back; I mean I have the old marriage license.
Q Have you the proof of your marriage with your second wife with you now? A No sir; I have some evidence of the marriage to my first wife?
Q What evidence have you of the marriage to your first wife? A My sister is here that was present.
Q When were you married to your second wife? A February,-- I cant state exactly, but I think it was the 7th of February.
Q Where were you married toher? A At Topaz,-- no, Ottimer.
Q Missouri? A Yes sir.
Q What year? A In 1887.

30 days time will be allowed this applicant in which to introduce proof of his first marriage, and also proof of his second marriage.

Q When did you marry your second wife, you said in 1887? A Well, it was two years ago this last June.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation, with your children, by any authority whatever up to the present time? A No sir.
Q Do you come before the Commission at this time to identify yourself and your children as Mississippi Choctaws? A Yes sir.
Q Do you claim that right under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A I think I do; I have heard it told several times.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with article 14 of that treaty? A Not to my knowledge.
Q What is the name of your ancestor through whom you are now making your claim for identification as a Mississippi Choctaw? A Alabeth Freeman.
Q What was her maiden name? A Ball.
Q Do you know whether she lived in the old Choctaw Nation, either in Mississippi or Alabama, in 1830? A No sir, I dont know.
Q Did she ever live in Mississippi or Alabama, in the old Choctaw Nation? A No sir, I couldn't say.
Q Do you know whether any of your Choctaw ancestors went to Colonel Ward within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I understood they made a trip back there.
Q You understand that they were living in some other state and went into Mississippi, and then went back again? A Yes sir.

Q Where did they go, and where were they living before they went into Mississippi? A My understanding is that they went from North Carolina.
Q They had been living there before? A Yes sir.
Q How long did they stay in Mississippi? A They made a trip is all I know.
Q Went right back again? A Yes sir, thats my understanding.
Q Then you dont understand that any of your Choctaw ancestors lived in Mississippi or Alabama long enough to reside upon land there for five years and then get a patent from the government for that land? A No sir, I never heard of it.
Q Nor that they claimed any land in that old Choctaw Nation under article 14 of the treaty of 1830? A No sir.
Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time after the ratification of the treaty of 1830, and between that date and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir, I dont know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838, at the expense of the government? A Not that I know anything about.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not that I know anything about.
Q Did any of them go before the Commission of 1837 or the Commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A Not that I know anything about.

These Commissions were appointed by Congress under various acts because of the complaint of Choctaw Indians who stated that they had gone to Colonel Ward and had attempted to register under article 14 of the treaty of 1830 within six months after the ratification of that treaty, but that Colonel Ward had neglected to register them, and because of his neglect their land which they had occupied in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir, I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them and sold by the government.
Q Do you speak or understand the Choctaw language? A No sir.
Q Are you related to John H. Benright? A Yes sir.
Q What relation are you to him? A Second cousin.
Q Do you want to have his application considered in reference to your own? A Yes sir.

The case of John H. Benright, et al., No. C. R. 6255, is here referred to for the purpose of consolidation.

30 days time is allowed this applicant in which to introduce other proof, if he desires, in support of this application.

By Mr Harrison, attorney for applicant:
Q Did you ever hear who Colonel Ward was? A No sir.
Q Did you ever hear his name mentioned by members of your family? A I dont know that I did; I mean I haven't until lately.
Q Well, at any time within your recollection? A Not until lately; I have heard them speak of Colonel Ward right recently; well, I wouldn't say for certain I knew anything about him prior to today, you might say.
Q Did you ever hear what was the object of that trip your grandmother made to Mississippi? A My understanding was they went back there to see about their Indian claims, or something about it; I didn't understand exactly what.
Q To draw money or get land? A Well, sir, I couldn't state.
Q Now, how do you get that underatanding? A From talk in the family.
Q You dont know whether they were living in North Carolina or Tennessee, do you? A My recollection is North Carolina.
Q Your information is that it was North Carolina? A Yes sir, thats my understanding..
Q What you know about this case is information you have derived from conversation with different members of your family? A Yes sir.
Q And general family history and tradition? A Yes sir.
Q In speaking about it do you remember ever hearing any member of your family, particularly the older people, say anything about the treaty of 1830, or the 14th article of that treaty? A Well, I think I heard my grandfather talk about it, but I wouldn't say for certain that I have heard any talk about them old treaties; I have heard some talk, but I never paid much attention; I couldn't make any positive statement.
Q Have you any recollection about what your grandfather said about it? A Well, I couldn't make any statement; I know I have heard him speak about it; I have heard him talk more than any of the balance of them; he was always talking about what happened back where they come from; back in North Carolina.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair, ruddy complexion, blue eyes; does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings at Muskogee, I. T., on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 24 day of January, 1903.

Charles N Sawyer
Notary Public.

M.C.R. 6603.

Muskogee, Indian Territory, February 14, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 11th inst., enclosing original marriage license and certificate between H.W. Johnson and Lellian Davis, offered for filing in support of the application made by Henry W. Johnson for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed with the record in this case.

Respectfully,

Acting Chairman.

M C R 6601
M C R 6604
M C R 6503

Muskogee, Indian Territory, February 24, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing certified copy of marriage record between Henry W. Johnson and Mila Rankin, offered for filing in support of the application made by Henry W. Johnson for the identification of himself and minor children as Mississippi Choctaws.

Also certificate of John A. Spurlock, recorder of deeds of Douglas county, Missouri, as to the loss of records of said county, offered for filing in support of the application made by William H. Woods for the identification of himself and minor children as Mississippi Choctaws.

Also the joint affidavit of Phebee Daubs and Benjamin Freeman to the marriage of William J. Freeman and Bosey Freeman his wife, offered for filing in support of the application made by William J. Freeman for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed in these respective cases.

Respectfully,

Chairman.

COPY. M. C. R. 6603.

Muskogee, Indian Territory, June 15, 1904.

Henry W. Johnson,

Pleasant Plains, Arkansas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Luna Lenora Johnson, Rilla O. Johnson, Nolan E. Johnson, Allen F. Johnson and Arzella Johnson.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)
Tams Bixby.
Chairman.

Registered.

H.C.R.6603.

Muskogee, Indian Territory, May 8, 1905.

Henry W. Johnson,

Pleasant Plains, Arkansas.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

M C R 6603

Muskogee, Indian Territory, June 8, 1905.

Henry W. Johnson,

Pleasant Plains, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 31, 1905, enclosing the affidavit of the mother, Lillian A. Johnson and that of Dr. O. J. T. Johnston, relative to the birth of Gladys G. Johnson, on July 31, 1904, and requesting that said child be enrolled as a Mississippi Choctaw.

In reply you are informed it appears from our records
[illegible] applicant in the consolidated Mississippi
[illegible]h case the de-
[illegible] was affirmed
[illegible]efore,
[illegible]o

rollment had been approved by the Secretary of the Interior prior to March 4, 1905.

Respectfully,

Chairman.

6603 No. 6603

For Identification as a Mississippi Choctaw.

JAN 16 1903

Date

Name Henry W. Johnson

Age 42 Blood 1/16

Post Office. Pleasant Plains, Ark

Father Aaron T. Johnson C.

Mother Abbeth " C.

Claims through mother 1/8

Wife (1) Ella Johnson (W) (d)

" (2) Lillian A. " (C) (W)

No claim for wife -

Children

Luna L. Johnson, 14

Rilla O. " F 11

Nolan E " M 6

Allen F. " 4

(Mother wife No 1.)

Arzella Johnson 17 mo

(Mother is wife No 2)

claims for self & children

Stenographer W.H. Martin

REFUSED

Henry H. Johnson et a

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 1 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

6255

Choctaw MCR 6604

William J. Freeman

MCR 6604

#6604.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 16, 1903.

In the matter of the application of William J. Freeman for the identification of himself and his seven minor children, Henry, Vada, Benjamin H., Clarence, William Walter, Rachel J., and Theodore Roosevelt Freeman, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

William J. Freeman being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A William J. Freeman.
Q What is your age? A 40 years old.
Q What is your post office address? A Oil Trough, Arkansas.
Q How long have you lived in that state? A 8 years.
Q Where were you born? A In Missouri.
Q When you left Missouri where did you go? A To Arkansas.
Q And have lived there since? A Yes sir.
Q At what place in Missouri were you born? A I was borned in Douglas county now, I think probably it was Texas county then; it has been cut up since.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A William J. Freeman, the same as mine.
Q What is your mother's name? A Rachel J. Freeman.
Q Do you claimyour Choctaw blood through your father or mother? A My father.
Q How much Choctaw blood do you claim? A One fourth,-- not one eighth is what I claim; my father was one fourth.
Q Your father was one fourth, was he? A Yes sir.
Q Was he ever recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q When was he married to your mother? A I dont know exactly the day and the date, but I think 1847.
Q What day of the month? (No response)
Q Were they married by a minister under a license? A They were married by a minister.
Q Have you the proof of their marriage with you now? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her nationality? A White.
Q What is her name? A Busey J. Clinton was her maiden name.
Q That was her maiden name? A Yes sir.

Q Basey J. Freeman now? A Yes sir.
Q Do you make any claim for her now? A No sir.
Q Have you any children you want to make application for, under age and unmarried? A Yes sir, seven.
Q What is the name of the oldest? A Henry.
Q How old is Henry? A 18.
Q The next? A Vada.
Q Girl? A Yes sir.
Q How old is she? A 14.
Q Next? A Benjamin H.
Q How old is he? A 11.
Q The next? A Clarence.
Q How old? A 9.
Q The next? A William Walter.
Q How old? A 6.
Q The next? A Rachel J.
Q How old? A 3.
Q One more? A Theodore Roosevelt.
Q How old? A One year old.
Q You claim for yourself and these children? A Yes sir.
Q Is Basey J. Freeman the mother of these children? A Yes sir.
Q Are you and she living together as husband and wife and these children living with you at your home? A Yes sir.
Q Were either you or she married before you married each other? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
Q Is it your purpose in coming before the commission now to apply for identification for yourself and children as Mississippi Choctaws? A Yes sir.
Q Do you make this claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Well, I think I do; I have heard it explained several times.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reserva-

tion shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with article 14 of that treaty? A I dont think they did.
Q What is the name of your ancestor through whom you make this claim now? A Alabeth Freeman.
Q Married a man named Freeman? A Yes sir.
Q What was his full name? A Aaron Freeman.
Q What was her maiden name? A Ball I think.
Q How much Choctaw blood did she have? A One half is my understanding.
Q What relation to you was she? A My grandmother.
Q How old would she be if living now? A Well, I cant say, sir; I have heard my father and mother both tell her age, but I dont remember now.
Q Did she have a Choctaw Indian name or speak the Choctaw language? A Not that I know of; I have heard it said she talked kinder broken; but I dont know what it was.
Q Did she live either in Mississippi or Alabama in 1830 and have a family there, in the old Choctaw Nation? A Not that I know of.
Q Where did she, live, if you know, at any time? A In North Carolina I think; I think that they were married inNorth Carolina.
Q Did they go from North Carolina to Mississippi to register under Colonel Ward, under article 14 of the treaty of 1830? A I have heard my father and old people talk about it.
Q What did they say about her having done any such a thing as that? A I dont know as I can tell exactly what they did say. This John Bennett's brothers used to be at our house lots, and he claimed Indian right smart.
Q Well, hold on; I dont care anything about that now,—

By Mr. Harrison, attorney for applicant: John Bennett he refers to is John Bennight, the John H. Bennight who is the head of this case.

By the Commission:
Q Did you ever hear from any member of your family that your ancestor, Alabeth Ball, who married Aaron Freeman, went to Colonel Ward, the Indian Agent, within six months after the ratification of the treaty of 1830 and attempted to register under article 14 of the treaty of 1830, or did actually register under that article? A I heard it said that they made a trip.
Q Who made a trip, and for what purpose? A Either getting land or money or something of the kind; I dont know what it was; I heard it said that they failed.
Q Where did they go to get this land or money or something? A To Mississippi somewhere.
Q Did they go to register before Colonel Ward? A I dont know whether it was to register or what they went for; but the way I understood it that was the cause of the trip,— was to prove up their claim some way.
Q Prove up their claim as what? A As Indians.
Q What kind of Indians? A I couldn't say.
Q Seminoles, Osages, Creeks, or what? A My understanding it was Choctaw.

Q Then you understand that they made some sort of a trip somewhere to prove up their claims or something or get money as Choctaw Indians, is that right? A Yes sir.
Q Now, did they accomplish anything by that trip? A I dont think they did.
Q Did they go back to North Carolina? A As I understand it they did.
Q Didn't live in Mississippi or Alabama at all then? A No sir.
Q You never heard anything about any ancestor of yours living in Mississippi or Alabama in the old Choctaw Nation on land for five years, and then get a patent from the government for that land? A No sir.
Q Or claim any land in Mississippi or Alabama under article 14 of the treaty of 1830? A No sir, I never heard anything about that.
Q Did you ever hear that any of your Choctaw ancestors went from that old Choctaw Nation, east of the Mississippi river, to the Choctaw Nation, Indian Territory, west of the Mississippi river, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation, Indian Territory? A No sir.
Q Did any of them go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians at the expense of the government between 1833 and 1838? A Not that I know of.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.
Q Did any of them go before the Commission of 1837 or the Commission of 1842, which commissions were appointed under various acts of Congress, and claim any rights under article 14 of the treaty of 1830? A No sir, I reckon not.

These two different commissions were appointed because of the complaints of Choctaw Indians, who stated that they had been to Colonel Ward, the Indian Agent, at his agency in Mississippi, within six months after the ratification of the treaty of 1830, and had attempted to register under article 14 of that treaty, but that Colonel Ward had refused to accept their names for registration, and because of his refusal the government had taken their land from them in the old Choctaw Nation, and sold it.

Q You dont know whether any of your Choctaw ancestors went before either of these two commissions? A No sir.
Q Did any of them get a scrip from the government, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you understand Chootaw or speak that language? A No sir.
Q Are you related to John H. Bennight? A Yes sir.
Q What relation are you to him? A I think we are own cousins; I think his mother and my father was sisters and brother.
Q Do you want to have his case referred to in this connection? A Yes sir.

The case of John H. Bennight, et al., P. C. R. 6255, is here referred to as the application of one who claims through the same common ancestor.

By Mr Harrison, attorney for applicant:
Q Did you ever hear in any conversation with the old people of your family the name of Tendergrass mentioned? A I have heard my mother talk about Tendergrass or Tendergraft or some name like that.
Q Who did she say that name belonged to; who did she mean by that? A I think it belonged to my grandmother.
Q Your grandmother, Alabeth? A I think so; it was either her or her father or mother, I dont know which.
Q Was it your understanding that the name Tendergrass was the maiden name of your grandmother? A No, I think it must have been the name of her mother.
Q That was your great grandmother? A Yes sir, I think so; I understand my grandmother was a Ball.
Q In answer to one of the questions you said that you did not think that any of your ancestors applied for lands under article 14 of the treaty of 1830; to another question you stated that it has been your information that your grandmother, Alabeth Ball, made a trip to get her lands, or money or something; now, which one of those statements do you want to stand by, and which one were you mistaken in? A I guess I was mistaken in the one that,--- I thought e meant in the question if they ever made application on this side.
Q Then in answering the first question you were mistaken? A Yes sir.
Q Because you did not understand the question, is that it? A Yes sir, thats it.
Q It is your information that your ancestor, Alabeth Ball, did make some attempt to comply with article 14 of the treaty of 1830? A I dont know the number of the article, but it has been my understanding that there was an attempt made to get land or something back there in Mississippi, or somewhere on the other side of the Mississippi river.
Q Do you recollect when that was? A No sir, I dont.
Q Was it as far back as 1830? A Well, I expect it was somewhere near there.
Q What makes you think it was? A Well, I would think it was about that far back; it has been a good long time ago; it must have been about the time my father was born, probably before, probably might smart bit before that, and he is quite an old man, if he was living now.
Q Who are these old people that you referred to in your examination? A Why, my father and mother and others that I heard talk.
Q You recollect your grandmother pretty well, don't you? A No sir, she died, I guess, before I was born, or I was very small; I was born in '68, and I dont know the date of her death; I think thought before I was born, or after one.

Q Do you know the names or name of any old people who would likely know something about the old history of your family, and who would probably give information that might establish your claim? A Well, there is an old man that lives right close to me who told me that he could remember seeing my grandmother and grandfather; Andrew Pruitt is his name.
Q What is his post office address? A Oil Trough, Arkansas.
Q Are there any other facts that you know that you have not testified to; if so you may now state them? A Nothing that I think of; the fact of the business is I never studied much about this; I never tried to inform myself much about it.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair, blue eyes, medium fair complexion; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of is ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 24 day of January, 1903.

Charles H Sawyer

Notary Public.

M C R 6601
M C R 6604
M C R 6593

Muskogee, Indian Territory, February 24, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing certified copy of marriage record between Henry W. Johnson and Ella Rankin, offered for filing in support of the application made by Henry W. Johnson for the identification of himself and minor children as Mississippi Choctaws.

Also certificate of John A. Spurlock, recorder of deeds of Douglas county, Missouri, as to the loss of records of said county, offered for filing in support of the application made by William H. Woods for the identification of himself and minor children as Mississippi Choctaws.

Also the joint affidavit of Phebee Daubs and Benjamin Freeman to the marriage of William J. Freeman and Bosey Freeman his wife, offered for filing in support of the application made by William J. Freeman for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed in these respective cases.

Respectfully,

Chairman.

COPY. M. C. R. 6604.

Muskogee, Indian Territory, June 15, 1904.

William J. Freeman,

Oil Trough, Arkansas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Henry Freeman, Vada Freeman, Benjamin F. Freeman, Clarence Freeman, William Walter Freeman, Rachel J. Freeman and Theodore Roosevelt Freeman.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M.C.R. 6604.

Muskogee, Indian Territory, May 8, 1905.

William J. Freeman,

Oil Trough, Arkans .

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

66-4

No. 191

For Identification as a Mississippi Choctaw.

Date JAN 16 1903

Name William J. Freeman

Age 40 — Blood 1/8

Post Office. Oil Trough, Ark.

Father. William J. Freeman d.

Mother Rachel J. " l.

Claims through father, 1/4

Wife.

Basey J. Freeman, l. w.

No claim for wife

Children:

Henry Freeman, 18

Vada " F 14

Benjamin H. " M 11

Clarence " 9

William W. " 6

Rachel J. " 3

Theodore R " 1

Claims for self and 7 children -

Stenographer W. H. Martin

FOR IDENTIFICATION R. [illegible]
AMISSISSIPPI CHOCTAW

William J. Freeman

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

JUN 1 [illegible]

NOTICE OF DECISION [illegible] ATTORNEYS [illegible]

NOTICE OF DECISION MAILED ATTORNEYS [illegible] AND CHICKASAW NATIONS.

JUN 15 19[illegible]

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 21 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT

MAY [illegible] 19[illegible]

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

[illegible]

6255

Choctaw MCR 6605

Mary E. Reynolds

MCR 6605

#6605.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 16, 1903.

In the matter of the application of Mary E. Reynolds for the identification of herself and her three minor children, Edith and Elsie Scarbrough, and Samuel Reynolds, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Mary E. Reynolds being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Mary E. Reynolds.
Q What is your age? A 28.
Q What is your post office address? A Henrietta.
Q What state? A Indian Territory.
Q How long have you lived in the Indian Territory? A 11 years.
Q Where did you live before that? A I was raised in Missouri until I was 15 years old, and left there and went to Arkansas, and from there to Texas, and from Texas to the Indian Territory.
Q For 11 years last past you have lived in the Territory? A Yes sir.
Q Is your father living? A No sir.
Q Is your father living? A Yes sir.
Q What was your father's name? A John Freeman.
Q What is your mother's name? A Elsie Allsup.
Q Has she married again? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q You claim your father was one eighth? A Yes sir.
Q Has he ever been enrolled as a Choctaw Indian or enrolled or recognized as a member of that tribe by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your husband living? A Yes sir.
Q What is his nationality? A He's a farmer.
Q He is a white man? A Yes sir.
Q What is his name? A Richard Reynolds.
Q You dont make any claim for him? A No sir.
Q How many children have you? A Three.
Q What is the name of the oldest? A Edith Scarbrough.
Q How old is Edith? A 8.
Q The next? A Elsie Scarbrough; I have been married twice.
Q How do you spell that name? A S-c-a-r-b-r-o-u-g-h.
Q You have been married twice? A Yes sir.
Q Your first husband was named what? A Ed Scarbrough.
Q When did he die? A He died in 1899.
Q Where did he die? A Up here in the Creek Nation at Weir.

Q What was his blood or nationality? A White.
Q Now, you have married a second time? A Yes sir.
Q Give me the name of your second husband? A Richard Reynolds.
Q He is living? A Yes sir.
Q He is a white man? A Yes sir.
Q Do you make any c aim for him? A No sir.
Q Now, give me the name of your first child? A Edith Scarbrough.
Q How old? A 8 years old.
Q And the second is what? A Elsie Scarbrough.
Q How old? A 2.
Q What is the name of the other child? A Samuel Reynolds.
Q How old? A 11 months old.
Q Was your first husband, Ed Scarbrough, the father of Edith and Elsie? A Yes sir.
Q And is your second husband, Richard Reynolds, the father of Samuel Reynolds? A Yes sir.
Q You claim for yourself and these three minors? A Yes sir.
Q Are these three children living with you at your home, and are you living there with your husband, Richard Reynolds? A No sir, one of them is at Okmulgee, going to school, the other two are at home.
Q Are the names of yourself or any of these children on any if the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
Q Do you want to be identified now, with your children, as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir I claim under that.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of that year. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Indians would refuse to go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians in their rights who elected to stay in the old Choctaw Nation article 14 was put into the treaty of 1830. That is the article under which you are claiming today, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for

each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with any of the provisions of that article? A No sir, I dont know.
Q What is the name of your ancestor through whom you claim your right to be identified with these children today? A Ball.
Q What was her full name? A My great grandmother, Elizabeth,-- or Alabeth Ball.
Q You said Elizabeth, is that Elizabeth or Alabeth? A It is Alabeth
Q Do you know what the name of Alabeth Ball's husband was? A Aaron Freeman.
Q Do you know whether Alabeth Ball, who married Aaron Freeman, lived in Mississippi or Alabama at any time, in the old Choctaw Nation? A No, I dont know anything about that.
Q You dont know whether she was the head of a family there then? A No sir.
Q Do you know whether she ever lived in Mississippi or Alabama at any time? A Thats what I have heard the older ones talk about.
Q Have you ever heard that? A Yes sir, I have heard my father speak about it.
Q Did he say Alabeth Ball lived in Mississippi? A He said his parents come from Mississippi.
Q And you claim through your father? A Yes sir.
Q He claimed through his mother? A Through his father.
Q What was his name? A Samuel Freeman.
Q And he claimed through whom? A His mother.
Q Alabeth? A Yes sir.
Q Did you ever hear that any of your Choctaw ancestors, Alabeth Ball or any others, went to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi, take land ther and become citizens of the states? A I never heard anything about it.
Q Did any of them live in Mississippi or Alabama on land for five years and then get a deed or patent from the government under article 14 of the treaty of 1830? A I dont know.
Q You dont know whether any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I have heard them speak of claiming land, but I dont know about that at all.
Q Do you know they claimed it under article 14? A No sir.
Q Did you ever hear that any of them went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, with the other Indians, between 1833 and 1838? A I dont know.
Q Did any of them go at any time from the old Choctaw Nation to the Choctaw Nation, Indian Territory, between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.

Q Now, you came to the Choctaw Nation, Indian Territory? A Yes sir.
Q Did you come with your father? A No sir, I come by myself; my father was already here.
Q Then your father came to the Choctaw Nation, Indian Territory? A Yes sir.
Q When did he come? A He come,-- it has been 11 years ago; just about two or three months before I did.
Q Where did he live before he came here? A Arkansas.
Q He left Arkansas and came to the Choctaw Nation, Indian Territory? A Yes sir.
Q He died where? A At Henrietta in the Creek Nation.
Q How long did he live in Arkansas? A Two years.
Q Where did he live before he went to Arkansas? A Missouri.
Q How long in Missouri? A All his life.
Q Where was he born? A In Missouri.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I couldn't say.

In 1837, by an act of Congress approved March 3rd of that year, and also in 1842, by an act of Congress approved August 23rd of that year, Commissions were appointed which went to Mississippi and heard claimants under article 14 of the treaty of 1830. The reason why these two Commissions were appointed was because of the complaints that a great many Choctaw Indians made who claimed they had gone to Colonel Ward, the Agent, within six months from the ratification of the treaty of 1830 and had attempted to register under article 14 of that treaty, but that he had refused to allow them to register, and because of his refusal these Indians had their land taken from them in the old Choctaw Nation and sold by the government.

Q Do you know whether any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under that article? A No sir.
Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I couldn't say.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to Choctaw Indians who proved their rights under article 14, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Are you related to John H. Bennight? A Yes sir.
Q What relation is he to you? A Cousin.
Q He has made application to be identified as a Mississippi Choctaw; do you want to have his testimony considered in connection with your own testimony? A Yes sir.

The case of John H. Bennight, et al., M. C. R. 6255, is here referred to as the application of a relative of this applicant, claiming through the same common ancestor.

Q Do you understand or speak the Choctaw language? A Why, a few years ago I could; I know a few words now; I learned it from the Indians.
Q Down there in the Choctaw Nation? A Yes sir, when I lived in the Choctaw Nation.
Q You did not undertake to talk with them in Choctaw? A I could use a few words.
Q Howdy do, or something like that? A Yes sir, just likethat.

By Mr Harrison, attorney for applicant:
Q Was Samuel Freeman a son of your great grandmother? A Yes sir.
Q Whom did he marry? A He married,-- I cant think now,-- Capps.
Q How many children did they have, do you know? A No sir.
Q Do you know the names of any one of them? A My uncles, do you mean?
Q Yes, your father and your uncles? A My father, John Freeman, Ben Freeman, Pode Freeman, and Sub Freeman.
Q John Freeman married whom? A Elsie Allsup.
Q John Freeman is your father? A Yes sir.
Q Did you ever hear any conversation among the older members of your family concerning your family history, and particularly with reference to them being Choctaw Indians? A Yes sir.
Q Now, who have you heard talk about that? A My father, and lots of the connection talked it when I was small.
Q Did they undertake to say what kind of Indians you were? A Yes sir.
Q And what kind did they say? A Choctaw.
Q Where did these Choctaw Indians come from? A Mississippi.
Q Who of these Choctaw Indians lived in Mississippi? A My father's grandmother came from there.
Q What was her name? A Ball.
Q Alabeth Ball? A Yes sir.
Q Did you ever hear any of your people say what the name of your great grandmother's mother was? A No sir.
Q Did you ever hear the name of Tendergrass mentioned by the older people, as a family name? A I dont know; I dont remember it.
Q What, if anything, have you heard among the older members of your family about your great grandmother going to Mississippi? A I couldn't say that I remember hearing anything for sure; I was small and dont remember anything about it.
Q Did you ever hear anything said about your great grandmother getting any land in Mississippi or trying to take land there as an Indian? A No sir, I dont know.
Q If you have heard anything of that kind you dont remember it, is that true? A No, I dont remember hearing anything about that.

By the Commission: 30 days time is allowed this applicant in which to introduce other testimony, if she desires, in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown hair, brown eyes, dark complexion; she has no knowledge of the Choctaw language, except a few words, and has no knowl-

edge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

Walter H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Sworn to and subscribed before me this 29 day of January, 1903.

Charles N Sawyer
Notary Public.

M C R 6713
M C R 6605
M C R 6439

Muskogee, Indian Territory, February 24, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the affidavits of Rachel Collins, Rachel J. Freeman and Isah Collins to the marriage of Samuel Freeman and Celia Freeman his wife, offered for filing in support of the application made by Mary E. Wait for identification as a Mississippi Choctaw.

Also the affidavits of Mary Jane Upshaw, John Ford and Richard Dobbs offered for filing in support of the application made by Mary E. Reynolds for the identification of herself and minor children as Mississippi Choctaws.

Also the affidavits of W. M. Bass to the marriage of Benjamin F. Freeman and Margaret Freeman his wife, offered for filing in support of the application made by Benjamin F. Freeman for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed in these respective cases.

Respectfully,

Chairman.

COP M. C. R. 6605.

Muskogee, Indian Territory, June 15, 1904.

Mary E. Reynolds,

Henrietta, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Edith Scarbrough, Elsie Scarbrough and Samuel Reynolds.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M.C.I. 6605.

Muskogee, Indian Territory, May 8, 1905.

Mrs. E. Reynolds,

Henrietta, Indian Territory.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Dennit et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6665 No 307

For Identification as a Mississippi Choctaw.

Date JAN 16 1903

Name Mary E. Reynolds

Age 28 Blood 1/16

Post Office. Kennetta, I.T.

Father John Freeman d

Mother Elsie Allsup d

Claims through father 1/8

Husband (1)
Ed Scarbrough (d), W

Husband (2)
Richard Reynolds, l. w
no claim for husband

Children
Edith Scarbrough. 8
Elsie Scarbrough 2
Samuel Reynolds 11 m

No (1) was father of
2 full chickasaw
No (2) is father of
3rd child.
claim for self
and 3 children

Stenographer W.H. Mailin

...TION AS... R. ...

A MISSISSIPPI CHOCTAW.

REFUSED

Mary E. Reynolds et

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. JUN 15 1904

RECORD FORWARDED DEPARTMENT. AUG 16 1904

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 21 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT. MAY ... 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

6255

Choctaw MCR 6606

Andrew J. Woomack

MCR 6606

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Andrew J. Woomack, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Andrew J. Woomack, et al.,	M.C.R. 6606
Cornelius E. Woomack, et al.	M.C.R. 6607
Balis Woomack, et al.,	M.C.R. 6608

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of Andrew J. Woomack, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Original application of Cornelius E. Woomack, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	9
Sworn list of children of Cornelius and Malvina E. Woomack----------	15
Copy of marriage bond of C. Woomack and Melvina Yeargern----------	16
Certified copy of the marriage record of C. Woomack and Melvina Yeargin----------	17
Certificate of L. E. Purdy, County Clerk, to the foregoing marriage record----------	18
Certificate of L. E. Purdy, attesting the foregoing certificate of W. C. Cabler----------	19

Original application of Balis Woomack, et al.,
to the Dawes Commission for identification as
Mississippi Choctaws---------- 20

Decision of the Commission refusing the applications
in the consolidated case of Andrew J. Woomack, et al.,
for identification as Mississippi Choctaws---------- 26

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#6606.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 16, 1903.

In the matter of the application of Andrew J. Woomack for the identification of himself and his two minor children, Oscar J., and Sarah Virginia Woomack, as Mississippi Choctaws.

(No Attorney)

Andrew J. Woomack being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Andrew J. Woomack.
Q How do you spell that name? A W-double o-m-a-c-k.
Q What is your age? A 46 last August.
Q What is your post office address? A Ivy, Dallas County, Arkansas.
Q How long have you lived in Ivy? A 35 year.
Q Where were you born? A I was born in Mississippi.
Q Where in Mississippi? A Southern part, Simpson County.
Q You lived in Mississippi how long? A I was about ten years old I suppose.
Q Then you went where? A Went from Mississippi to Illinois.
Q Where did you live in Illinois? A Champaign county.
Q How long? A One year.
Q Did you go from Illinois to Arkansas? A Illinois to Kentucky, from Kentucky to Tennessee, and from Tennessee to Arkansas.
Q And now you have lived how long in Arkansas? A We have been in the state about 35 year; left Mississippi in '66, and went to Illinois and stayed about a year, and in Kentucky one year, and in Tennessee———
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A John Woomack.
Q How did you say you spelled that? A W-double o-m-a-c-k.
Q What was your mother's name? A She always went by the name of Polly Woomack.
Q You claim through your father or mother? A My mother and father both.
Q Are you going to make your claim now through your father and mother both? A Yes sir.
Q How much Choctaw blood do you claim? A About one-half I reckon.
Q How much Choctaw blood had your father? A One-fourth.
Q How much Choctaw blood did your father have? A Three-fourths.

Q Have your parents ever been recognized or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother with you now? A No sir, I have not.
Q Are you married? A Yes sir.
Q Do you know when and where they were married? A No sir, I couldn't tell you the date they was married.
Q Do you think you can introduce the proof of their marriage later? A Yes sir, I can introduce it.
Q Is your wife living? A Yes sir.
Q What is her nationality? A White.
Q Have you ever been married except this once? A No sir.
Q What is your wifes name? A Sarah J. Woomack.
Q Do you make any claim for your wife? A No sir.
Q Now give me your children under age and unmarried? A Oscar J. Woomack.
Q How old is Oscar? A He's 18 years old.
Q The next? A Sarah Virginia Woomack.
Q How old is Sarah? A 18 years old.
Q Is that all the children you have? A Yes sir, thats all.
Q You claim for yourself and these two children? A Yes sir.
Q Is Sarah J. Woomack, your wife, the mother of these two children? A Yes sir.
Q Are you and she living together as husband and wife and these children living with you at your home? A Yes sir.
Q Were either of you married before you married each other? A My wife was married before I married her.
Q She has no Choctaw blood has she? A No sir.
Q And you make no application for any children except these two children? A Thats all.
Q Can you tell when and whereyou were married to her? A I was married on the 18th day of November, '78, at Princeton, Arkansas.
Q By a minister under a license? A Married by a clerk or magistrate.
Q Have you the proof of your marriage with you now? A I have,-- this is the only proof I have of it (presents a paper).
Q This is your own oath, is it not, and your wife's statement under oath? A Yes sir, I have other proof,-- two of my brothers are here who were with me when I was married.
Q They were present when you were married? A Yes sir.
Q Do you know whether your name, or the names of these children, are on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I dont know sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand that article well enough to claim under it?
A Yes sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quartersection to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with arth le 14 of the treaty of 1830?
A I do not, sir.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I claim through my mother, 00-nah-va-tubbee was her name.
Q I thought you gave her name as Polly; how doyou spell that name? A Double O- n-a-h- v-a- t-u-b-b-e-e is the way we spell it; there is one letter different in the way we spell it and the way it is spelled on the register.
Q Now, you say there is a difference in your spelling and the spelling on the register? A Yes sir.
Q What is the spelling on the register? A Double o- n-a-h- b-e-t-u-b-b- double e-.
Q Now, do you claim that this is the Indian name of your mother, Polly? A Yes sir.
Q Now, was her name Polly 00-nah-va-tubbee? A Yes sir.
Q And then she married John Woomack? A Yes sir.
Q Your father? A Yes sir.
Q Do you go back any further than your mother for your Choctaw blood? A My grandmother was a full blood, but I couldn't give her name.
Q You cant give Polly 00-nah-va-tubbee's parents? A No sir.
Q She was a full blood was she? A My mother's mother was, yes sir.
Q And your mother was three-quarters? A Yes sir.
Q And do you claim on your father's side? A My grandmother on my father's side.
Q Give me her name? A My grandmother on my father's side was named Sallie Jackson,-- no, that would be Elizabeth Fletcher, was my grandmother's name on my father's side.
Q Was that your grandmother's, on your father's side, maiden name? A Yes sir.

Q Can you tell whom she married? A Andy Woomack,---- Richard Woomack, they always called him Dick.
Q Which is it, Richard or Dick or Andy; is it Andy? A Richard was my grandfather's name.
Q I want the name of Elizabeth Fletcher's husband? A Thats the name, Richard Woomack.
Q How much Choctaw blood did he have? A I dont think he had any.
Q Was he a white man? A Yes sir.
Q Did they have any children who are ancestors of yours? A Yes sir, they had several.
Q Couldn't all of them been ancestors of yours; any that you are descended from? A Yes, my father; thats my father's mother.
Q Your father then, whose name was John Woomack, was descended from Elizabeth Fletcher who married Richard Woomack? A Yes sir.
Q Have you any other ancestor there? A My great grandmother.
Q On which side? A My mother's side.
Q What was her name? A Sallie Jackson.
Q And she was the mother of Polly 00-nah-va-tubbee? A No sir, she was the mother of this here Sallie Fletcher,-- Elizabeth Fletcher I mean, my great grandmother was a Jackson.
Q Now then, lets get at the straight of this; you claim through your father and mother? A Yes sir.
Q What was your father's name? A John Woomack.
Q He had how much Choctaw blood? A One fourth.
Q What was your mother's name? A Polly 00-nah-va-tubbee was her maiden name.
Q And she married whom? A She married John Woomack.
Q Now, your father was one quarter Choctaw Indian, and claims his Choctaw blood through whom? A Through his mother, Sallie Jackson.
Q And Sallie Jackson married whom? A She married a Fletcher; I dont know the other name.
Q Did this Fletcher have any Choctaw blood? A I dont know that he did.
Q Was he a white man? A Yes sir.
Q Through whom did Sallie Jackson get her Choctaw blood? A Her mother.
Q What was her name? A I cant give her name.
Q So your line stops there at Sallie Jackson who married Fletcher on that side? A Yes sir.
Q Is that the line of descent of your father? A Yes sir.
Q Your mother claims her Choctaw blood through whom? A Her mother.
Q What was her mother's maiden name? A I couldnt give you her mother's maiden name.
Q What was her married name? A My own mother's mother I cant give you her name; I never knowed anything about her at all.
Q Cant you go back on your mother's side any further than her? A 00-nah-va-tubbee, her maiden name, is as far back as I can go; I dont know my great grandmother's maiden name on my mother's side.

Q Well, before you gave the name of Richard Woomack, and Elizabeth Fletcherm and now you dont give them at all? A Well, I dont understand it.
Q You claim through your father and mother; I am going to ask you for your father's lineage; did your father claim through his father or mother? A His mother.
Q And she married whom? A She married a Woomack, Richard Woomack.
Q What was her maiden name? A Sallie Jackson.
Q A little while ago you said she married Fletcher, now you state she married Richard Woomack? A Yes sir, Sallie Jackson married a Fletcher.
Q What was your father's name? A John Woomack.
Q He married whom? A He married Polly 00-nah-va-tubbee.
Q And then Polly 00-nah-va-tubbee became Polly Woomack? A Yes sir.
Q Now, what was the name of John Woomack's father? A Richard Woomack.
Q What was the name of his mother? A Elizabeth Fletcher was her maiden name.
Q Then Richard Woomack was your grandfather and Elizabeth Woomack was your grandmother? A Yes sir.
Q Which had the Choctaw blood? A My grandmother.
Q Now do you know through which parent Elizabeth Fletcher got her Choctaw blood? A Through her mother, Sallie Jackson.
Q And Sallie Jackson married a Fletcher? A Yes sir.
Q Do you know his full name? A No sir, I cant give his name.
Q So then on your father's side you go back as far as Sallie Jackson, your great grandmother, who married Fletcher? A Yes sir.
Q And on your mother's side you only go back as far as your mother? A Thats as far back as I can go on her side.
Q Now, how much Choctaw blood did your great grandmother, Sallie Jackson, who married this man Fletcher, have? A She claimed to be a full Choctaw.
Q How much Choctaw blood did Elizabeth Fletcher who married Richard Woomack, have? A One half.
Q And John Woomack had how much? A One quarter.
Q And you claim how much? A I claim one half.
Q But you claim through both father and mother; your mother, Polly Woomack, whose Indian name was Polly 00-nah-va-tubbee, had how much Choctaw blood? A Three fourths.
Q Then adding your father's Choctaw blood and your mother's you add one quarter and three quarters, making a whole Choctaw blood, and you claim one half of that? A Yes sir.
Q Do you know if your parents or any Choctaw ancestor of yours lived in the Choctaw Nation in Mississippi or Alabama in 1830? A They lived in Mississippi.
Q Did your father have a family living with him at that time? A No sir, they weren't married at that time, I dont think.
Q They were not married in 1830? A No sir.
Q Do you know whether your father's mother, Elizabeth, was living in Mississippi then? A Yes sir.
Q Was she married then? A Yes sir.
Q So Elizabeth Fletcher, who married Richard Woomack, was living in Mississippi in 1830, and had children there then? A Yes sir.
Q How old was her son, your father, John Woomack, in 1830, if he was born then? A He wasn't born then; he is only about 65 years old now.
Q How old would your mother be if living now? A About 65 or 70 years old now.
Q Was she living at the time the treaty of 1830 was made? A No sir, she was not born at that time.

Q Can you tell anything about her parents? A No sir, I cant; I didn't know them at all; I dont know that I can tellanything about them at all.
Q Whd her her parents or either of them were living in Mississippi or Alabama in 1830? A They were living there at that time.
Q Were they married then? A Yes sir.
Q Did they have any children then? A Yes sir.
Q Your mother had older brothers and sisters? A Yes sir.
Q Can you tell their names, your mother's mother's or father's name? A My mother's father's name was Eggleston Oo-nah-va-tubbee.
Q You said a little while ago that you didn't know their names; now give me the name of your mother's father again? A His name was Eggleston Oo-nah-va-tubbee.
Q What was your mother's mother's name? A I dont know my mother's mother's name.
Q Was Eggleston Oo-nah-va-tubbee a full blood Choctaw? A No sir he was not.
Q How much Choctaw blood did he have? A I dont know whether he had any or not; my great grandmother was a full blood Choctaw, and my grandfather,- I cant say how much he had.
Q Your mother you claim was three quarters Choctaw; now, if she claimed from her mother and her mother was a full blood your mother would be only one half; and you say she is three quarters, so she must get Choctaw blood from her father? A I suppose she got one fourth from her father.
Q She couldn't get three quarters from her mother; if both were full bloods she would be a full blood, and if but one was a full blood she would be one half of that, and if the other was one half Choctaw she would then be three quarters;-- you are sure your mother was three quarters Choctaw Indian? A Yes sir.
Q You never did hear your grandmother's name on your mother's side? A No sir, I dont recollect anything about her.
Q Did Eggleston Oo-nah-va-tubbee live in Mississippi in 1830, and have a family there then? A Yes sir.
Q You get that from family history, do you? A Yes sir.
Q Do you know if any of your Choctaw ancestors on either side, father or mother, went to Colonel Ward, within six months after the treaty of 1830 was ratified, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know.
Q Did any of your Choctaw ancestors on either your father's or mother's side live on land in Mississippi or Alabama in the old Choctaw Nation for five years, and then get a patent for that land from the government? A No sir, I never heard.
Q Did any of them claim any land in Mississippi or Alabama under article 14 of the treaty of 1830? A Not that I know of.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between the ~~xxx~~ years 1833 and 1838, at the expense of the government? A No sir.
Q Did any of them go from the Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I dont know, sir.
Q You never heard that any of your Choctaw ancestors were recognized on any list made by the government of the United States of those Indians of the Choctaw tribe, who took advantage of article 14 of the treaty of 1830? A No sir.
Q You have never heard that any of them were on Colonel Ward's register? A No sir.
Q Or any other list made by the goverment of the United States, or its agents, of Choctaw Indians, under article 14 of the treaty of 1830? A Never heard of them being on any list until today.
Q Did you ever hear they were on anylist made by the government? A Yes sir, today I did.
Q Then you want to take that all back what you have been saying? A If you have been asking me that question I do.
Q I have been asking you that question; you say that you learned that the names of some of them are on some list today; now state what lists and what names? A I learn that there is one Sallie Jackson on a list, and this Oo-nah-va-tubbee, all but one letter of the name spelled the same.
Q Did you find the name of Polly? A No sir, but I find the name of Oo-nah-va-tubbee.
Q And the spelling of the name was different a little? A Yes sir, one letter different.

The spelling of this name by this applicant is Oo-nah-va-tubbee, while on a list of the names of Choctaw Indians to whom scrip was issued under the act of Congress approved August 23rd, 1842, prepared by the Indian office, No. 64, the name of Oo-nah-be-tubbe appears.

Q Now, Mr. Woomack, are you sure that your ancestor, either your mother, or her father, or her mother, is the same person whose name appears upon this list of Indians who received scrip, and spelled Oo-nah-be-tubbe? A I am sure thats the name,--- that spells the name; I cant be sure they are the same person.
Q Did you ever hear that your mother, or any of her ancestors, ever did receive any scrip from the government under any law or under any treaty right? A Not that I ever recollect of hearing anything about.

On page 709 of Vol. 1 of the Choctaw Nation against the United States in a claim or statement signed by Josa Christy by his mark, No. 358, appears the name of Jackson Saley.

Q Now, are you able to say under oath that that person is the same person whom you call Sallie Jackson, whom you say was your grandmother? A No sir, I am not able to say, because I dont know.

Now, in 1837 and also in 1843, by various acts of Congress commissions were appointed to go to Mississippi and hear claimants under article 14 of the treaty of 1830. These commissions were appointed because of the complaints made by Indians that they had gone to Colonel William Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi,

take land there and become citizens of the states, but that Colonel Ward had neglected to put their names on his register, and because of this neglect a good many Choctaw Indians who had land in the old Choctaw Nation upon which they had improvements had both taken from them by the government and sold.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article 14 of that treaty? A No sir.
Q You dont know whether any of them received any scrip from the government under the act of Congress approved August 23rd, 1842? A No sir, I dont know.
Q You dont know whether this Oo-nah-be-tubbe, whose name appears on this list of Indians who did receive scrip was any relative of yours or not? A I couldnt say, sir.
Q Do you speak or understand the Choctaw language? A No sir.

Mr. Woomack, I will give you thirty days time from the date of this application to introduce any other proof that you may desire to present here in support of this claim.

Q You have no attorney? A No sir.

The Commission will say, then, that it is necessary for you to show that you are descended from Choctaw ancestors who lived in Mississippi or Alabama in the old Choctaw Nation in 1830, and were the heads of families there then, and that they complied or attempted to comply with article 14 of the treaty of 1830; and if they did not comply were prevented from so doing by no fault of theirs. Also show, if you are able to do so, that Sallie Jackson is identical with any person by that name upon any list made by the government of the United States under article 14 of the treaty of 1830. Also show if you desire to do so, and can do so, that Oo-nah-va-tubbee is the same person as Oo-nah-be-tubbee

Q Is there anything more you want to say now? A No sir, I think not.
Q Have you any papers you want to present now? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; his hair is black, now turning gray, he has brown eyes, dark complexion, mustache and whiskers a little gray; does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on January 16, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 24 day of January, 1903.

Charles M Sawyer

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Andrew J. Woomack, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Andrew J. Woomack, et al.,	M.C.R. 6606
Cornelius E. Woomack, et al.,	M.C.R. 6607
Balis Woomack, et al.,	M.C.R. 6608

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Andrew J. Woomack for himself and his two minor children, Sarah Virginia and Oscar J. Woomack; by Cornelius E. Woomack for himself and his six minor children, William H., Balis, Virgie E., Maggie A., Andrew J. and Eura H. Woomack; and by Balis Woomack for himself and his minor niece, Malissa Shinkle, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sallie Fletcher (nee Jackson), who is alleged to have been a full blood Choctaw Indian, and Eggleston Conahvatubbee (or Conahbetubbee), who is alleged to have been a Choctaw Indian, degree of blood not stated, and both to have resided in Mississippi in eighteen hundred and thirty.

The applicants in M.C.R. 6608 also state that there is another ancestor contemporaneous with Eggleston Conahvatubbee (or Conahbetubbee), in the person of his wife, who is alleged to have been a Choctaw Indian, degree of blood not stated, and whose name is given as Conahvatubbee, but the evidence fails to show whether this was her maiden name or one procured by marriage. However, as this appears to be an Indian name, the records of the Commission, relating to persons who complied or attempted to comply with the provosions of article fourteen of the treaty of "Dancing Rabbit Creek," have been searched and nowhere does said name appear therein.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or com-

mittee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sallie Fletcher (nee Jackson), or Eggleston Oonahvatubbee (or Oonahbetubbee), or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Woomack, Sarah Virginia Woomack, Oscar J. Woomack, Cornelius E. Woomack, William T. Woomack, Belis Woomack, Virgie E. Woomack, Maggie A. Woomack, Andrew J. Woomack (2), Mura E. Woomack, Balis Woomack (2) and Malissa Shinkle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty,

and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,

AUG 1 1903

M C R 6606

Muskogee, Indian Territory, February 19, 1903.

A. J. Woomack,

Ivy, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you state that on account of ill health you ask for an extension of time within which to make proof of your Mississippi Choctaw case.

In reply to your letter you are informed that the thirty days from January 16, 1903, heretofore granted you within which to submit additional proof in support of your application for the identification of yourself and minor children as Mississippi Choctaws, expired on February 15, 1903. In compliance with your request you will be allowed fifteen days from that date, or up to and inclusive of March 2, 1903, within which to submit such additional proof.

Respectfully,

Acting Chairman.

Muskogee, I.T. May 12, 1 903/

Received of the Commission to the Five Civilized Tribes one copy of the testimony in each of the following Mississippi Choctaw cases:

Mary E. Moore,	M.C.R. 6085
Andrew J. Woomack,	M.C.R. 6606 ✓
Annie C. Jones,	M.C.R. 6784
Amanda M. Wampler,	M.C.R. 7056
Sarah Pearl Snyder,	M.C.R. 7364

MANSFIELD, MCMURRAY & CORNISH.

M.C.R. 6606

COPY.

Muskogee, Indian Territory, August 1, 1903.

Andrew J. Woomack,

Ivy, Arkansas.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Woomack, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Woomack, et al.	M.C.R. 6606
Cornelius M. Woomack, et al.	M.C.R. 6607
Malis Woomack, et al.	M.C.R. 6608

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Woomack, Sarah Virginia Woomack, Oscar J. Woomack,

Cornelius E. Woomack, William H. Woomack, Balis Woomack, Virgie E. Woomack, Maggie A. Woomack, Andrew J. Woomack (2), Eura H. Woomack, Balis Woomack (2) and Malissa Shinkle, as Choctaw Indians entitled to rights in the Choctaw Lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

M.C.R. 6606

COPY.

Muskogee, Indian Territory, August 1, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Woomack, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Woomack, et al.	M.C.R. 6606
Cornelius M. Woomack, et al.	M.C.R. 6607
Balis Woomack, et al.	M.C.R. 6608

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Woomack, Sarah Virginia Woomack, Oscar J. Woomack, Cornelius M. Woomack, William H. Woomack, Balis Woomack, Virgie E. Woomack, Maggie A. Woomack, Andrew J. Woomack (2), Eura H. Woomack, Balis Woomack (2) and Malissa Shinkle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. McM. & C.--2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Andrew J. Woomack, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 1, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Andrew J. Woomack, et al.,	M C R 6606
Cornelius E. Woomack, et al.,	M C R 6607
Balis Woomack, et al.,	M C R 6608

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 enclosures M C R 6606

M.C.R. 6606

Muskogee, Indian Territory, August 21, 1903.

Andrew J. Woomack,

Ivy, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 11, stating that you are entitled to be enrolled as a Mississippi Choctaw.

In reply to your letter you are informed that on August 17, 1903, the record in the matter of your application for the identification of yourself and minor children as Mississippi Choctaws, together with the decision of the Commission refusing same, was forwarded to the Secretary of the Interior and you will be notified in due time of such action as may be taken by him.

Respectfully,

Commissioner in Charge.

M C R 6606

Muskogee, Indian Territory, September 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask the status of the Mississippi Choctaw case of Andrew J. Womack, et al. You ask in case they have been rejected that you be furnished a certificate to that effect.

In reply you are informed that it appears from our records that on August 1, 1903, the Commission rendered its decision refusing the several applicants included in the consolidated Mississippi Choctaw case of Andrew J. Woomack, et al., and on the same date they were notified that they would be allowed fifteen days from the date of said decision within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior.

The fifteen days from August 1, 1903, heretofore allowed in this case, expired on August 16, 1903. On August 17, 1903, the record in said consolidated case, together with the decision of the Commission refusing the several applications included therein, was forwarded to the Secretary of the Interior. Up to the present

time the Commission has not been advised of any departmental action taken thereon.

There is herewith enclosed certificate relative to the rejection of these applicants by the Commission.

Respectfully,

Chairman.

MoM 44

(COPY)

Land.
53,564-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, MARCH 1, 1904.

The Honorable

The Secretary of the Interior.

Sir:

Permit me to invite your attention to the record of the Commission to the Five Civilized Tribes, in the matter of the application of Andrew J. Woomack for the identification of himself and his two minor children, Sarah Virginia and Oscar J. Woomack; by Cornelius E. Woomack for himself and his six minor children, William H., Balis, Virgie E., Maggie A., Andrew J. and Eura H. Woomack; by Balis Woomack for himself and his minor niece, Malissa Shinkle, as Mississippi Choctaws, wherein a decision rejecting them was entered by the commission on August 1, 1903.

The record in this case shows that the applicants trace their Choctaw ancestry from Sallie Fletcher nee Jackson, who is claimed to have been a full blood Choctaw Indian and Eggleston Oonahvatubbee or Oonahbetubbee, who is also alleged to have been a Choctaw Indian. The applicants in the case of Balis Woomack, and his children, also claim another Choctaw ancestor contemporaneous with Eggleston Oonahvatubbee, in the person of his wife, who is alleged to have been a Choctaw Indian whose

surname is also given as Oonahvatubbee, her first or English name being given as Polly.

It is claimed by the applicants that their ancestors lived in the Choctaw Nation, in Mississippi, in 1830, but as to their compliance or attempted compliance with the provisions of the 14th article of the Choctaw treaty, the witnesses are unable to testify, basing their entire reliance on their Choctaw blood through these ancestors.

The Commission rejected the applicants for the reason that none of them had been enrolled as citizens of the Choctaw Nation by any competent authority, and that their records fail to show a compliance on the part of any of these ancestors with the provisions of the 14th article of the Choctaw treaty.

An examination of the records of this office has been made with reference to the names of Sallie Fletcher, Sallie Jackson, Eggleston Oonahbetubbee or Oonahvatubbee and Polly Oonahvatubbee, and it is ascertained that neither their names nor any names similar in soundappear among the names of those persons who were beneficiaries under the 14th article of the Choctaw treaty. The only person of the surname of Jackson was a Choctaw Indian named Momin-tam-bee who was otherwise known as Billy Jackson, but he had no daughters, his only children being two sons.

I am therefore of the opinion that the decision of the commission rejecting the applicants was correct, and recommend that it be approved.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

(E.B.H.)P.

(COPY)

D. C. No. 7806-1904.

DEPARTMENT OF THE INTERIOR, W.C.F.
Washington. FHE

I.T.D. 1778-1904.

March 5, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 17, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Andrew J. Woomack, Sarah Virginia Woomack, Oscar J. Woomack, Cornelius E. Woomack, William H. Woomack, Balis Woomack, Virgie E. Woomack, Maggie A. Woomack, Andrew J. Woomack (2), Eura H. Woomack, Balis Woomack (2) and Malissa Shinkle, including your decision of August 1, 1903, refusing to identify them as such.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Sallie Fletcher (nee Jackson), Eggleston Oonahvatubbee (or Oonahbetubbee), and Polly Oonahvatubbee, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830.

The evidence as furnished by the record, as well as the evidence contained in the records of the Indian Office, fails to show that said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 1, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan,
Acting Secretary.

1 inclosure.

COPY. M.C.R. 6606.

Muskogee, Indian Territory, April 7, 1904.

Andrew J. Woomack,

Ivy, Arkansas,

Dear Sir:

You are hereby notified that on March 5, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Woomack et al., of which decision you were advised by registered mail August 1st, 1903.

Respectfully,

(SIGNED)
T. B. Needles.

Commissioner in Charge.

M.C.R. 6605.

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on March 5, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Woomack et al., of which decision you were advised by mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

N. FREEDMEN ROLL.

THER	FATHER'S TRIBAL ENROLLMENT			FATHER'S OWNER	NAME OF MOTHER	
	YEAR	BAND	No.			
						REFER TO M. C. R. 4606
				Consolidated Case	Andrew J. Dorrance et al	


Sallie Jackson jun.
mar
Fletcher
Elizabeth Fletcher 1/2
mar
Richard Moomack
John Moomack 1/2
wife
Polly Moomack 1/2
Indian
Oo-nah-ya Lucy
dau. of
Eggleston Oo-nah-ya Lucy
Andrew J. Moomack
wife
Sarah J. Moomack
Sarah V Moomack 18
Oscar J. Moomack 17
Rosie E. Moomack
mar
Garrett
Laura A. Moomack
Cornelius E. Moomack
wife
Melvina Moomack
William H. Moomack 19
Balis Moomack 15
Virgie E Moomack 11
Maggie A Moomack 9
Andrew J. Moomack 7
Emma H. Moomack 5 mos
Balis Moomack 42 1/2
wife
Elvina Moomack
Drusilla Moomack 1/2
dead
mar
Jerry Shuttle
Malissa Shuttle 18 1/2

6606 No. 6606

For Identification as a Mississippi Choctaw.

Date JAN 16 1903

Name Andrew J. Woomack

Age 46 — Blood 1/2

Post Office, Dry. Ark.

Father. John Woomack l. d

Mother. Polly " d

Claims through father 1/4 & mother 3/4

Wife.

Sarah J. Woomack. l. w.

No claim for tribe —

Children

Oscar J. Woomack. 17

Sarah V. " 18

Claims for self and 2 minors.

Stenographer W.H. Mallon

Andrew J. Noonan

Choctaw MCR 6607
Cornelius E. Woomack

MCR 6607

#6607.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory.
January 16, 1903.

In the matter of the application of Cornelius E. Woomack for the identification of himself and his six minor children, William H., Balis, Virgie E., Maggie A., Andrew J., and Eura H. Woomack, as Mississippi Choctaws.

(No Attorney)

Cornelius E. Woomack being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Cornelius E. Woomack.
Q What is your age? A About 42.
Q What is your post office address? A Roan, Dallas County, Arkansas.
Q How long have you lived in Arkansas? A The best part of my life.
Q How long in Roan? A About 11 years.
Q Where were you born? A In Mississippi.
Q Did you come from there to Arkansas? A I went from there to Tennessee and from Tennessee to Arkansas.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A John Woomack.
Q What was your mother's name? A Polly Oo-nah-va-tubbee.
Q How do you spell that? A O-o- n-a-h- v-a- t-u-b-b-e-e-.
Q Do you claim through your father and mother both? A Yes sir.
Q How much Choctaw blood do you claim? A I claim about a half.
Q Your mother was how much? A About three fourths.
Q And your father? A About one fourth.
Q Have either of them ever been recognized or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I ever knowed of.
Q Do you know when and where they were married? A In Mississippi, but I cant tell you what date.
Q You have not the proof of their marriage here? A No sir.
Q Is your wife living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q What is her name? A Melvina Woomack.
Q Do you claim for her? A No sir.
Q Now, give me the names of your children? A There they are right there, (presents a paper).
Q William H. Woomack? A Yes sir.
Q Was he born in 1884? A Yes sir.
Q He would be 19 years old then? A Yes sir.
Q Balis Woomack, Franklin? A Yes sir.

Q Balis Woomack, B-a-l-i-s? A Yes sir.
Q Is that a boy or girl? A Boy.
Q Was he born in 1888? A Yes sir, I reckon he was; those are the right dates.
Q You claim he would be 15 now? A Yes sir, he would be 15.
Q Virgie E. Woomack, is that a boy or girl? A Boy.
Q Was he born in 1892? A Yes sir.
Q He would be 11 now would he? A Yes sir.
Q Maggie A. Woomack? A Yes sir.
Q Was she born in 1894? A Yes sir.
Q Be about 9 now? A Yes sir.
Q Andrew J. Woomack, is that a child of yours? A Yes sir.
Q Was he born in 1898? A Yes sir.
Q He would be about 5 now? A Yes sir.
Q Eura H. Woomack? A Yes sir, thats a boy.
Q Was he born May 19, 1901? A Yes sir.
Q How old is he now? A I guess he is about 17 months old.
Q That is all is it? A You have got six there; then there is two that are over age.
Q This is all under age; the other two will have to make application for themselves? A Yes sir; thats my two oldest ones.
Q You claim for yourself and these six minors? A Yes sir.
Q Have you a child named Rosie E. Woomack? A Yes sir.
Q And a child, Laura A. Woomack, born in 1881? A Yes sir.
Q Rosie E. was born in 1879? A Yes sir.
Q Are either of these married? A Yes sir, the oldest one is.
Q Whom did she marry? A Garrett.
Q Her name is now Rosie E. Garrett? A Yes sir.
Q Where do they live? A In the same county I do, Nix post office.
Q You get your mail at Roan? A Nix is their post office and Roan is mine.
Q Laura A. is living with you? A Yes sir.

Statement signed by Cornelius Woomack and his wife as to the names and births of their children is presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

Q Is your wife, Melvina Woomack, the mother of these children? A Yes sir.
Q Are you and she living together as husband and wife and these children living with you at your home? A Yes sir.
Q When were you married to her? A Here's the marriage (Presents a paper)

Certified copy of the marriage certificate of C. Woomack and Melvina Yeargin is presented by this applicant, received, filed, marked "Exhibit B", and made a part of the record in this case.

Q The C. Woomack inthat marriage license is your name, is it? A Yes sir.
Q And is meant for Cornelius E. Woomack? A Yes sir, thats what it is meant for.
Q Is your name, or are the names of any of these children, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to either the Choctaw tribal Authorities in the Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application for citizenship or have you ever been enrolled with your children as citizens of the Choctaw Nation by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q This is your first application for yourself and children for rights in the Choctaw Nation? A Yes sir.
Q Do you now want to be identified with your children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q You understand that article all right do you, well enough to claim under it? A Yes sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article 14 as you have heard it read, and explained here today? A Not that I know of.
Q What is the name of your ancestor or ancestors that you are claiming your right through now? A The same as that other man give, Sallie Jackson and Polly Oo-nah-va-tubbee and Eggleston Oo-nah-va-tubbee.
Q Now, you heard the testimony given by Andrew J. Woomack? A Yes sir.
Q He is your full brother? A Yes sir.
Q You want to have your case and his considered together I presume? A Yes sir.

The case of Andrew J. Woomack, M. C. R. 6606, is here referred to for the purpose of consolidation

Q And your claim is through the same source through whom he claims? A Yes sir.
Q Your father was John Woomack? A Yes sir.
Q Did he claim through his father or mother? A Through his father I think,— his mother.
Q What was her name? A Elizabeth Fletcher who married Richard Woomack.
Q And she claimed through whom? A Sallie Jackson.
Q She was a full blood? A Yes sir.
Q What was the name of the man Sallie Jackson married? A Fletcher
Q Did Sallie Jackson live in Mississippi, or did her daughter, Elizabeth, who married Richard Woomack, live in Mississippi? A Both of them lived in Mississippi.
Q Did they live there in 1830? A I couldn't tell you; I reckon they did; they were from Mississippi.
Q Do you know if either of them had a family there then? A Sallie Jackson, I guess she did.
Q You don't know for sure? A No sir, I don't know.
Q Did your father, John, ever live in Mississippi? A Yes sir.
Q Was he born in Mississippi? A Yessir.
Q When was he born there? A I couldn't tell you that.
Q Did your mother, Polly, whose name was Polly Oo-nah-va-tubbee, live in Mississippi in 1830? A I reckon she did; I dont know; I couldn't tell you that, for I dont know.
Q You claim she was three quarters Choctaw blood? A Yes sir.
Q Now, did she get her Choctaw blood from both her father and mother? A I think she got it from her father.
Q How about her mother? A I couldn't tell you that.
Q If she had three quarters she was bound to have some from both her father and mother? A I reckon she had, but I dont know nothing about it.
Q What was her father's name? A Eggleston Oo-nah-va-tubbee.
Q But you dont know about your mother's mother? A No sir, I couldn't tell you a thing about her name.
Q Did Eggleston live in Mississippi in 1830? A Yes sir.
Q Have a family there then? A I suppose he did, I couldn't tell you that for certain.
Q Did you ever hear so from members of the family? A No, not that I recollect.
Q Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A Not that I know of.
Q Did any of them live on land in Mississippi or Alabama for five years, in the old Choctaw Nation, and then get a patent from the government for that land? A I dont know anything about that.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A Not that I know of.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I dont know nothing about that.
Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A Not that I ever heard of.

Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Two commissions, one in 1837 and the other in 1842, were appointed by various acts of Congress because of the complaints made by Choctaw Indians that they had gone to Colonel Ward within six months after the ratification of the treaty of 1830, and attempted to register under article 14 of the treaty of 1830, but that Colonel Ward had refused to allow them to register, and as a result of his refusal these Indians had their lands in the old Choctaw Nation taken from them and sold by the government at its public land sales.

Q Have you ever heard that any of your Choctaw ancestors went before either of these commissions and claimed any benefits as Choctaw Indians? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Did you ever hear that your mother, or her father, or her mother, by their Indian name, was upon any of the lists of Choctaw Indians in Mississippi, who were beneficiaries under article 14 of the treaty of 1830? A No sir.

In a list of names of Choctaws to whom scrip was issued under the act of Congress approved August 23rd, 1842, prepared by the Indian Office, is the name of one Oo-nah-be-tubbe, No 64.

Q Do you know whether that person, whose name is so spelled, is any of your ancestors? A I think so, yes sir.
Q What makes you think so? A Because it is the right name.
Q It is spelled different from the manner in whic you spell it. You spellit Oo-nah-va-tubbee; you have v-a- where in this record the letters are b-e-, and you have two e's at the termenation of the name, while the record has only one. You say that you never heard that any of your ancestors were on any list? A I never did, no sir.
Q Then you dont know that this is the same person? A No sir, I dont know it.
Q At the present time you have no proof that it was? A No sir.
Q Have you an attorney? A No sir.

In order that you may investigate this matter, and have ample opportunity to prove your claim 30 days time will be allowed you in which to offer other proof in this application.

On page 709 of Vol. 1 of the Choctaw Nation against the United States in a statement signed by Josa Christy, by his mark, No. 358, appears the name of one Jackson Saley.

Q Are you able to swear under oath that that person was the same as your great grandmother, Sallie Jackson? A No sir.
Q You have no way to connect those two persons, have you? A No sir.

Q But you have seen that name on that record today, have you?
A No sir, I haven't seen it; they said it was there.
Q Is there anything further you want to say now in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has black hair; black eyes; dark complexion; black mustache and whiskers. He does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

Walter H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 29 day of January, 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 6607

COPY.

Muskogee, Indian Territory, August 1, 1903.

Cornelius E. Woomack,

Roan, Arkansas.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Woomack, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Woomack, et al.	M.C.R. 6606
Cornelius E. Woomack, et al.	M.C.R. 6607
Balis Woomack, et al.	M.C.R. 6608

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Woomack, Sarah Virginia Woomack, Oscar J. Woomack,

Cornelius E. Woomack, William H. woomack, Balis Woomack, Virgie E. Woomack, Maggie A. Woomack, Andrew J. Woomack (2), Eura H. Woomack, Balis Woomack (2) and Malissa Shinkle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

M C R 6607

Muskogee, Indian Territory, August 31, 1903.

Cornelius E. Woomack, Remailed Room 1, K O 7 6 1903.
Arkadelphia, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, wherein you ask what further steps are necessary for you to take in order to be identified as a Mississippi Choctaw. You state that you were sick at the time of the refusal of your application and unable to file argument in the fifteen days allowed you for that purpose.

In reply you are informed that the fifteen days heretofore allowed you within which to file argument in support of your claim to be forwarded to the Secretary of the Interior expired on August 16, 1903. On August 17, 1903, the record in the consolidated Mississippi Choctaw case of Andrew J. Woomack, et al., of which your application is a part, together with the decision of the Commission refusing the applications of the several applicants included therein, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support of your claim.

Respectfully,

Commissioner in Charge.

M.C.R. 6607.

Muskogee, Indian Territory, April 7, 1904.

Cornelius Woomack,

Roan, Arkansas,

Dear Sir:

You are hereby notified that on March 5, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Woomack et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

Commissioner in Charge.

6607 No. 6607

For Identification as a Mississippi Choctaw.

Date JAN 16 1903

Name Cornelius E. Woomack

Age 42 Blood 1/2

Post Office. Roan, Ark.

Father. John Woomack 1/4 d

Mother. Polly 3/4 " d
or " von oh va tubbee

Claims through both parents.

Wife.
Melvina Woomack 1/2 w
No claim for wife

Children:

William H.	"		19
Balis	"	M	15
Virgie E.			11
Maggie A	"		9
Andrew J.	"		8
Eura H.	"	M	17 m

Claims for self and 6 minors.

Stenographer W.H. Martin

MISSISSIPPI LAW
Cornelius E. Woomack
REFUSED
NOTICE OF DEPARTMENTAL ACTION
REG

Choctaw MCR 6608

Balis Woomack

MCR 6608

#3608.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 16, 1903.

In the matter of the application of Balis Woomack for the identification of himself and his niece, Malissa Shinkle, as Mississippi Choctaws.

(N O A T T O R N E Y)

Balis Woomack being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Balis Woomack.
Q What is your age? A I was born in '61.
Q You are 42 are you? A Yes sir.
Q What is your post office address? A Nix.
Q What state? A Arkansas, Dallas County.
Q How long have you been there? A I have been there 11 years.
Q Where did you live before that? A In Arkansas all my life.
Q Born there? A No sir, born in Mississippi, Simpson County.
Q At what age did you come to Arkansas to Mississippi? A I suppose I was— I dont know; I just barely can recollect.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A John Woomack.
Q What was your mother's name? A Polly Woomack.
Q Then she had an Indian name, do you claim? A Yes sir, I have been taught that all my life.
Q How do you spell it, O-o- n-a-h- v-a- t-u-b-b-e-e? A I dont spell it at all; I dont know how they spell it.
Q That is the way it is given by your two brothers, Cornelius and Andrew J. Woomack; is that the way you want it? A Yes sir.
Q Do you claim through both parents? A I suppose so, sir.
Q How much Choctaw blood do you claim? A I couldn't tell, one half I reckon.
Q How much did your father have? A I couldn't tell you.
Q How much did your mother have? A She always claimed she was three fourths; pap always claimed he was one fourth.
Q Were they ever recognized or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q You claim for yourself? A Yes sir.
Q And anybody else? A Yes sir, that girl with me.
Q Have you a wife living? A Yes sir.
Q Have you any children of your own? A No sir.
Q Is your wife Indian or a white woman? A White woman.
Q What is her name? A Elvina Woomack.

Q No claim for her? A No sir.
Q You say you have a niece living with you? A Yes sir.
Q How old is the niece? A 18 years old last April.
Q 17 now? A Yes sir.
Q What is her name? A Malissa Shinkle.
Q Is her father living? A I dont know whether he is or not; he was the last I heard from him; I haven't heard from him in a long time.
Q How long ago was that? A Nearly two years.
Q Is he a white man? A Yes sir.
Q Is her mother living? A No sir.
Q How old was this child when her mother died? A About a year old.
Q Have you had charge of her ever since? A Yes sir, raised her.
Q Have you been appointed guardian? A No sir; I have had all the children; there was four of them.
Q The father has not supported her at all? A No sir, not a nickle's worth
Q He does not take care of her? A No sir, he has not seen her but once since her mother died.
Q And you are the next nearest living blood? A Yes sir.
Q You make this application for her because you are her nearest kin, and because you want to protect her rights, and because you have supported her from her infancy? A Yes sir.
Q What is this child's father's name? A Jerry Shinkle.
Q A white man? A Yes sir.
Q And living? A Yes sir, as far as I know he is living.
Q The mother's name was what? A Drusilla Shinkle.
Q She is dead? A Yes sir.
Q She was your own sister? A Yes sir.
Q Full sister? A Yes sir.
Q She and you had the same father and mother? A Yes sir.
Q And she claimed how much Choctaw blood? A The same as me.
Q One half? A Yes sir.
Q Now has she, Drusilla, the mother of this child, Malissa, ever been recognized or enrolled as a member of the Choctaw tribe of Indians by any authority whatever? A No sir.
Q You claim for yourself and this niece? A Yes sir.
Q Is your name or the name of your niece on any of the tibal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or your niece to either the Choctaw tribal authorities, or the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have either you or your niece ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
Q You come before the Commission now to identify yourself and her as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q You understand that article, dont you? A Yes sir, I have heard you read it several times.

That article is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so, by signifying his intention to the Agent, within six months from the ratification of this treaty, and he orshe shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article? A Not that I know of.
Q You claim for your niece, Malissa, one quarter Choctaw blood, do you? A Yes sir, I suppose so.
Q Her mother would be one half, the same as you, if living? A Yes sir.
Q Her address is the same as yours, Nix? A Yes sir.
Q And she claims through her grandfather and grandmother, who were your parents? A Yes sir.
Q Now give me the name of your ancestors on your father's side that you make your claim through; go back as far as you can? A I dont know none of them? A I never seen none of them; I dont know whether I can or not, Sallie Jackson.
Q How much Choctaw blood did she have? A I couldn't tell you.
Q Did she marry a man named Fletcher? A Yes sir.
Q Do you know his Christian name? A No sir.
Q Did you ever hear that she was a full blood Choctaw? A Yes sir, I have been told so.
Q Did her husband, Fletcher have any Choctaw blood at all? A I couldn't tell you.
Q Did Sallie Jackson have a daughter who was an ancestor of yours? A Yes sir.
Q What was her name? A Fletcher, I suppose.
Q What was her Christian name? A She married a Woomack.
Q What was his full name? A I couldn't tell you.
Q Never heard? A I reckon I heard these boys tell it just now, but I can't call it.
Q She had a daughter who married a man named Woomack,- I am talking about your grandmother on your father's side? A He would be Woomack.
Q Yes, but what was his wife's Christian name? A I cant call it.
Q Did you ever hear of a woman named Elizabeth? A Yes sir.
Q Who was that? A It was her,-- my grandma.
Q Your grandmother's name was Elizabeth Woomack? A Yes sir, thats what I have been told.
Q And her maiden name was Elizabeth Fletcher? A Yes sir.
Q Can you tell what her husband's name was? A Richard Woomack I think.
Q Now, did they have a son, and if so what was his name? A I

dont know.
Q Dont you know your father's name? A Yes sir.
Q Well, give it to me? A John Woomack.
Q His father was Richard? A Yes sir, thats what I have always been teached.
Q You have a brother named Andrew J. Woomack? A Yes sir.
Q He has made application today? A Yes sir.
Q Also another brother named Cornelius E. Woomack? A Yes sir.
Q Both full brothers? A Yes sir.
Q And you all claim through Sallie Jackson, your great grandmother? A Yes sir.
Q Thats on your father's side; do you claim any Choctaw blood on your mother's side? A Yes sir.
Q You claim your mother had Choctaw blood? A Yes sir.
Q How much? A Three fourths.
Q Then she must have gotten Choctaw blood from both her father and mother? A She may have done; she was bound to, yes sir.
Q What was her father's name? A Eggleston Oo-nah-va-tubbee.
Q What was your mother's mother's name? A My grandmother, I dont know no more than Oo-nah-va-tubbee.
Q That would be her Indian name; you are sure she had that name? A My mama has always told me that.
Q Now, did any of your Choctaw ancestors, either on your father's side, or on your mother's side, live in Mississippi or Alabama in 1830 and have families there then? A I couldn't tell you, I dont know.
Q Did they ever live in Mississippi or Alabama? A Yes sir, they tell me they lived in Mississippi; I was teached I was born in Mississippi.
Q Your father lived there? A Yes sir.
Q And his father and mother? A Yes sir.
Q And Sallie Jackson? A Thats what they tell me.
Q Did any of your ancestors live in Mississippi in 1830 and have a family there then? A I dont know.
Q Did any of your Choctaw ancestors on either your father's or mother's side go to Colonel Ward, the Indian Agent, within six months after the treaty of 1830 was ratified and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know.
Q Did any of them own or claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
Q Did any of them live on land there for five years and then get a patent from the government for it? A I dont know that either.
Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know that either.
Q Or at any time between 1833 and 1838 at the expense of the government under the treaty of 1830? A Not that I know of, sir.
Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I couldn't tell you.
Q Did any of them go before the Commission of 1837 or the Commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A I dont know.

These two commissions were appointed by various acts of Congress to hear Choctaw Indians who claimed that they had gone to Colonel Ward within six months after the ratification of the

treaty of 1830 and attempted to register under article 14 of that treaty, but that Colonel Ward had refused to register their names, and because of his refusal to do so these Indians lost the land which they held in the old Choctaw Nation, because it was taken from them by the government and sold at its public land sales.

Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir, I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to Indians who proved their rights under article 14, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you want to have your case considered with that of your brother, Andrew J. Woomack, M. C. R. 6606? A Yes sir.

The case of Andrew J. Woomack, et al., M. C. R., 6606, is here referred to for the purpose of consolidation.

Q And you want to have your case considered with your two brothers', who have just made application? A Yes sir.
Q Do you understand Choctaw, or speak it? A No sir.

30 days time is allowed this applicant in which to introduce other testimony in support of this claim.

Q Do you know whether the name of Sallie Jackson, or the name of your mother, or any of her ancestors, appears upon any of the records made by officers of the government as beneficiaries under article 14 of the treaty of 1830? A No sir.
Q You never heard of any of your relatives being on any lists as beneficiaries under article 14? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has black hair, dark complexion, dark brown eyes, black mustache. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

Q Your niece, Malissa Shindle, claims through your full sister, her mother, and the claim that you make for yourself is identical with the claim that she makes? A Yes sir.
Q She claiming through the same ancestors through whom you make your claim? A Certainly, yes sir.
Q And the claim you make for yourself is also the claim made for her through the same ancestors? A Yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Terri-

tery, on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of January, 1903.

Chas. H Sawyer

Notary Public.

M.C.R. 6608

COPY.

Muskogee, Indian Territory, August 1, 1903.

Balis Woomack,

Nix, Arkansas.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Woomack, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Woomack, et al.	M.C.R. 6606
Cornelius E. Woomack, et al.	M.C.R. 6607
Balis Woomack, et al.	M.C.R. 6608

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Woomack, Sarah Virginia Woomack, Oscar J. Woomack, Cornelius E.

Woomack, William H. Woomack, Balis Woomack, Virgie E. Woomack, Maggie A. Woomack, Andrew J. Woomack, (2), Bura H. Woomack, Balis Woomack (2)and Malissa Shinkle, as Choctaw Indians entitledto rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

M.C.R. 6608.

COPY.

Muskogee, Indian Territory, April 7, 1904.

Balis Woomack,

Nix, Arkansas,

Dear Sir:

You are hereby notified that on March 5, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Woomack et al., of which decision you were advised bt registered mail on the 1st day of August 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

C. C. 8

No.

For Identification as a Mississippi Choctaw.

Date JAN 16 1903

Name Balis Woomack

Age 42 Blood 1/2

Post Office. Nix, Ark

Father John Woomack 1/4 l

Mother. Polly oon-ah-ve-tubby 3/4 d

Claims through back pants

Wife.

Elvina " lw

No claim for her.

Children.

Malvina J. Shinkle 17

t. Jerry S Shinkle w. l

m. Druciela " d 1/2

Claims for self and minor

Stenographer W.H. Martin

FOR IDENTIFICATION
AMISSISSIPPI CHOCTAW

Balis Woomack et-

REFUSED

APR

FORWARDED TO CHICKASAW NATIONS

Choctaw MCR 6609

Mattie Smith

MCR 6609

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Mattie Smith, et al., for identification as Mississippi Choctaws, M.C.R. 6609.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of Mattie Smith, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Testimony of Caroline Walker----------	4
Decision of the Commission refusing the application of Mattie Smith, et al., for identification as Mississippi Choctaws----------	7

---o---

6609.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 16, 1903.

In the matter of the application of Mattie Smith for the identification of herself and her five minor children, Adeline, Sarah Ann, Sam, Maud, and Louis Smith, as Mississippi Choctaws.

J. C. Lowery, Attorney for Applicants.

Mattie Smith being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Mattie Smith.
Q What is your age? A Between 47 and 48.
Q What is your post office address? A Detroit, Texas.
Q How long have you lived there? A Been there 18 or 20 years.
Q Where were you born? A Mississippi.
Q Where in Mississippi? A Madison County.
Q And went from Mississippi where? A Arkansas.
Q And from Arkansas to Texas? A Yes sir.
Q How long did you live in Arkansas? A I dont know exactly.
Q Is your father living? A Not as I knows of.
Q You dont know whether he is living or not? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Sam Mathenia.
Q What was your mother's name? A Fannie Mathenia
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One half.
Q Was she a full blood? A Yes sir.
Q Was your father a slave at any time? A I dont know much about my father.
Q Did you ever hear he was? A No sir.
Q Was your mother? A No sir.
Q Were you a slave? A No sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not as I knows of.
Q Is your husband living? A Yes sir.
Q What is his name? A Lige Smith.
Q What is his blood or nationality? A Negro.
Q Do you make any claim for him? A No sir.
Q Give me the names of your children? A Adeline Smith.
Q How old? A 16 years old.
Q Now, the next? A Sarah Ann Smith, 15 years old.
Q The next? A Sam Smith, 12 years old.
Q The next? A Maud Smith, 10 years old.
Q The next? A Louis Smith, 8 years old.

Q Is that all? A Yes sir, thats all under age.
Q Is Alge Smith the father of these children? A Yes sir.
Q Are you and your husband living together as husband and wife and these children living with you at your home? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with your children? A No sir.
Q Have you ever made application for citizenship for yourelf and children in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal Authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.
Q You have heard that explained; do you understand it well enough to claim under it? A Yes sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simplse shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A No sir, I dont.
Q What is the name of your ancestor that you make your claim through,- go back as far as you can now? A My grandmother was named,-- I done forgot my grandmother's name.
Q Your grandmother, is it? A Yes sir.
Q But you dont know your grandmother's name? A No sir.
Q How much Choctaw blood did your mother's mother have? A I dont know how much my grandmother was.
Q Did she live in Mississippi at any time? A My grandmother and mother both lived in Mississippi; my mother was raised, bred, born and died there.
Q Was she a slave at any time? A No sir.
Q You dont know how much Choctaw blood your mother's mother had? A No sir.
Q How much did your mother have? A She was a whole breed.

Q Then she must have got her Choctaw blood through both her father and mother? A I was too young to know anything about that.
Q Did any of your Choctaw ancestors live in Mississippi in 1830? A Not as I knows of.
Q How old would your mother be today, if living? A I dont know exactly how old.
Q 60, 70, 80, 90, 100? A She would be about 80.
Q Then she was a little girl when the treaty of 1830 was made? A I dont know nothing about the treaty.
Q That was 73 years ago; did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, and wanted to register under article 14 of the treaty of 1830? A No sir, not as I knows of.
Q Did any of them own or claim any land in the old Choctaw Nation in Mississippi or Alabama under article 14 of the treaty of 1830? A Not as I knows of, her mother.
Q Did your mother? A Yes sir.
Q Did she get land from the government in Mississippi? A I dont know where she got it.
Q Did she buy it? A I dont know sir.
Q Dont know how she got it? A No sir.
Q Did any of your Choctaw ancestors live on land for five years there in the old Choctaw Nation and then get a patent or deed of that land under article 14? A I dont know sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between 1833 and 1838 with the other Indians? A I dont know.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home or establishing a residence in the Choctaw Nation, Indian Territory? A Not as I knows of.
Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I dont know.
Q Did any of them go before the Commission of 1837 or the Commission of 1842, which Commissions were appointed under various acts of Congress, and claim any rights under article 14 of the treaty of 1830? A No sir, not as I knows of.

These Commissions were appointed because of the complaints of Choctaw Indians that they had attempted to register under article 14, but that Colonel Ward, the Indian Agent, would not receive their names for registration, and because of his neglect or refusal to take their names these Indians lost the land which they occupied in the old Choctaw Nation, for the government took it from them and sold it at its public land sales.

Q You never heard anything about that? A No sir.
Q Do you know if any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not as I knows of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government.

Q Do you speak the Choctaw language? A No sir.

By J. C. Lowery, attorney for applicant:
Q How old were you when your mother died? A Between 9 and 10 year old.
Q In Mississippi? A Yes sir.
Q Then what become of you? A My mother was in Mississippi; I cant remember her much, making crops of her own.
Q What become of you after your mother died? A She gave me to an old white lady and asked her would she take me and raise me as one of her children.
Q Was you recognized as one of the children, or a slave, or how? A I was recognized as one of the children

By the Commission:
Q By this white woman? A Yes sir.

By J C Lowery:
Q What were you and your mother doing before her death? A Mother was just knocking around there to herself; she never had no owners that I knew of; she wasn't like those that had owners.
Q You dont remember your grandmother's name? A No sir, I cant remember; I have heard mother spak ofthem, but it has been so long I dont know anything about it.

By the Commission: 30 days time is allowed this applicant in which to introduce other proof if she desires in support of this application.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry; the commissionis of the opinion that she has a strain of Indian blood, which she claims is Choctaw; the Commission is unable to determine the quantity; her eyes, hair, and high cheek bones, small and rather thin nose, indicate a strain of Indian blood; her lips are rather thick, but not as thick as one having entire African blood; she does not understand the Choctaw language, and has no knowledge of a comliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

Caroline Walker being called as a witness on behalf of applicant, after being duly sworn testifies as follows:

Examination by J C Lowery.
Q How old are you? A About 60.
Q Do you know the applicant, Mrs. Smith? A Yes sir.
Q How long have you known her? A Ever since she has been born.
Q Did you know her mother? A Yes sir.
Q What was her mother's name? A Fannie Mathenia.
Q What race did she belong to? A Choctaw.
Q The Indian, Negro, or white race? A Injun.
Q What tribe of Indians? A Choctaw.

Q Where was this applicant born? A Mississippi.
Q Where did you know the mother of Mattie Smith? A When I knew her she was in Mississippi.
Q What part? A Madison County.
Q Do you know when her mother died? A Yes sir.
Q About how old a woman was she when she died? A She was about 50.
Q If she was living now give me how old would she be? A She would be about 80 or 90 years old.
Q How do you figure that out; what impressed that upon your mind so forcibly? A By my other's age.
Q Do you know what the grandmother of Mrs. Smith was named? A Bettie Pinson.
Q Was she a full blood Indian? A Yes sir.
Q Do you know ehther her mother could speak or understood the Choctaw language? A She could speak a Language I couldn't understand.
Q Was Mattie Smith's mother a slave? A No sir.
Q Was Mattie Smith ever a slave? A No sir.
Q State if you know what became of Mattie Smith after the death of her mother? A She give her upon her death bed to a white woman that I belonged to for to take care of as one of her children, and she stayed there until we got free and then we left.
Q Di you leave her there? A We left her there.
Q Was she recognized as one of the family or one of the slaves? A She was recognized as one of the children.
Q Did you know the father of Mattie Smith? A I dont know much about him; he was said to be a slave.
Q You have no interest in this case? A No sir.

By the Commission? A
Q What was the name of your Master in Mississippi? A Peel.
Q The full name? A Thomas Peel.
Q His wife took Mattie Smith and raised her? A Yes sir.
Q You think Mattie smith's father was a slave and her mother an Indian woman? A Yes sir.
Q Was Mattie Smith's father a Negro or an Indian? A Negro, I suppose.
Q You dont know anything about any of her ancestors, her father or mother or grandfather or grandmother, going to a man named Colonel Ward, the Indian Agent, and registering or trying to register under him? A No sir.
Q You dont know anything about those old laws and treaties? A No sir.
Q Nothing about article 14, or the treaty of 1830, or the commission of 1837, or the commission of 1842? A No sir.
Q You dont read or write? A No sir.
Q What you do know you have testified to, that she was taken by your master's wife and brought up as a little child? A Yes sir.
Q And you knew her mother? A Yes sir.
Q And you think she was a Choctaw? A Yes sir.
Q How did her mother look? A She had str ight hair.
Q Black? A Yes sir.
Q Long? A Yes sir.
Q Course? A Yes sir.
Q How about her features; you know a full blood African has rather heavy features? A Yes sir.
Q Did she? A No sir.
Q Thin lips and thin nose? A Yes sir.

Q Now, Mattie Smith has high cheek bones; you have been Indians with faces shaped that way? A Yes sir.
Q Did her mother have such features? A Yes sir.
Q High cheek bones? A Yes sir.
Q Did she speak the Choctaw language? A She spoke a language I didn't understand.
Q Could she speak English? A Yes sir, some times, but not plain like we can.
Q You dont know anything about her having been living in Mississippi in 1830, and going to Colonel Ward and attempting to register under that article 14? A No sir.
Q Do you know anything about her owning any land in the old Choctaw Nation and living on it for any length of time? A She lived there when I knew her.
Q Did she live on land which she had occupied fo five years, and did she get a patent or deed from the government for that land? A I do't know sir.
Q You dont know whether any of Mattie Smith's people went from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at any time up until the present time? A No sir, I dont know.

By J C Lowery:
Q At the time Mattie Smith's mother was living there was she living on land of her own? A Yes sir.

Witness excused.

W. H. Martin beig duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory on the 16th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 24 day of January, 1903.

Charles B. Lowery
Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Mattie Smith, et al., for identification as Mississippi Choctaws, M.C.R. 6603.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mattie Smith for herself and her five minor children, Adeline, Sarah Ann, Sam, Maud and Louis Smith, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Hattie Pimson, who is alleged to have been a full-blood Choctaw

Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Bettie Pimson, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Smith, Adeline Smith, Sarah Ann Smith, Sam Smith, Maud Smith and Louis Smith, as Choctaw Indians entitled to rights in the Choctaw

lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman

(SIGNED) T. B. Needles.

(SIGNED) C. R. Breckinridge.

(SIGNED) W. E. Stanley.

Muskogee, Indian Territory,

AUG 3 1903

M C R 6609

Muskogee, Indian Territory, July 9, 1903.

John A. Caton,

Detroit, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 27, 1903, in which you ask to be advised the status of the Mississippi Choctaw case of Mattie Smith, et al.

In reply you are informed that it appears from our records that Mattie Smith made application to this Commission for the identification of herself and minor children as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision relative to her right to such identification. As soon as a decision is rendered she will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

M C R 6609

COPY.

Muskogee, Indian Territory, August 3, 1903.

Mattie Smith,

Detroit, Texas.

Dear Madam:

You are hereby advised that on the 3rd day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Mattie Smith et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Smith, Adeline Smith, Sarah Ann Smith, Sam Smith, Maud Smith and Louis Smith, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

K S R

office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

M C R 6609

COPY.

Muskogee, Indian Territory, August 3, 1903.

J. C. Lowery,

Attorney at Law.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Mattie Smith et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Smith, Adeline Smith, Sarah Ann Smith, Sam Smith, Maud Smith and Louis Smith, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

J C L 2

have been allowed fifteen days from the date hereof within which to file arguments in this office, and tha. at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.

Registered

Commissioner in Charge.

COPY.

M C R 6609

Muskogee, Indian Territory, August 3, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Mattie Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Smith, Adeline Smith, Sarah Ann Smith, Sam Smith, Maud Smith and Louis Smith, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mattie Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 3, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
2 Enc. M.C.R. 6609.

Land.
53939-1903. (COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the application of Mattie Smith for herself and her five minor children, Adeline, Sarah Ann, Sam, Maud and Louis Smith for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission August 3, 1903.

The testimony in this case shows that the applicants base their claim to identification upon their descent from Bettie Pimson who was alleged to have been a full blood Choctaw Indian and a resident in Mississippi at the time of making the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830, and as an additional reason, that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Bettie Pimson and it is discovered

that her name does not appear among the names of those who complied or attempted to comply with the provisions of the said article and treaty. Neither does it appear that they applied to the Commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of her rights, if any she had, as a Choctaw Indian. It is therefore recommended that the decision of the Commission rejected the applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner.

C.T.C. (B)

(COPY).
W.C.F. WHE.

DC.9039-1905.
ITD.7960-1903.
956-1905.
1598- "
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.
February 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 19, 1903, you transmitted the record in the matter of the application for the identification of Mattie Smith et al., (M.C.R.6609), as Mississippi Choctaws, including your decision of August 3, 1903, which was adverse to the applicants.

Reporting in the matter November 5, 1903, the Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

M. W. Miller,

Acting Secretary.

1 inclosure.

M.C.R. 6609

COPY.

Muskogee, Indian Territory, March 3, 1905.

Mattie Smith,

Detroit, Texas.

Dear Madam:

You are hereby notified that on the 17th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself, and of your children, Adeline Smith, Sarah Ann Smith, Sam Smith, Maud Smith and Louis Smith, of which decision you were advised by registered mail on the 3rd day of August, 1903.

Respectfully,

(SIGNED)

Commissioner in Charge.

COPY. M.C.R. 6609

Muskogee, Indian Territory, March 3, 1905.

J. C. Lowery,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 17th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Mattie Smith, Adeline Smith, Sarah Ann Smith, Sam Smith, Maud Smith and Louis Smith, of which decision you were advised by registered mail on the 3rd day of August, 1903.

Respectfully,

SIGNED

Tams Bixby
Commissioner in Charge.

M.C.R. 6609

Muskogee, Indian Territory, March 3, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 17th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Mattie Smith, Adeline Smith, Sarah Ann Smith, Sam Smith, Maud Smith and Louis Smith, of which decision you were advised by mail on the 3rd day of August, 1903.

Respectfully,

(SIGNED).

Tams Bixby

Commissioner in Charge.

6609 No. 6609

For Identification as a Mississippi Choctaw.

Date JAN 16 1903

Name Mattie Smith (nee)

Age 47 Blood

Post Office. Detroit, Tex.,

Father Sam Mathenia —

Mother Fannie " d

Claims through mother (full)

Husband

Lige Smith, l. neg.

No claim for husband

Children.

Adeline Smith, 16

Sarah Ann " 15

Sam " 12

Maud " 10

Louis " 8

Claim for self and children

Stenographer W.H. Martin

Mattie Smith et

REFUSED)

Choctaw MCR 6610

Tom Gildon

MCR 6610

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Tom Gildon, et al., for identification as Mississippi Chootaws, M.C.R. 6610.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

(Page)

Original application of Tom Gildon, et al., to the Dawes Commission for identification as Mississippi Chootaws---------- 1

Testimony of Berry Gay---------- 7

Decision of the Commission refusing the application of Tom Gildon, et al., for identification as Mississippi Chootaws---------- 11

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#6610.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 17, 1903.

In the matter of the application of Tom Gildon for the identification of himself and his seven minor children, Narcisse, Janie, Minnie, Sarah, Ody, Margaret, and John Gildon, as Mississippi Choctaws.

Tom Gildon being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Tom Gildon.
Q What is your age? A I will be 43 in May.
Q You are 42 now are you? A Yes sir.
Q What is your post office address? A Choska.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A Just moved there
Q How long have you been there, a week? A Yes sir, been about three weeks I reckon.
Q Where did you live before that? A Texas.
Q What place in Texas? A Waco.
Q How long did you live in Waco, Texas? A 13 years.
Q Where before that? A Arkansas.
Q Where were you born? A Georgia.
Q Where in Georgia? A Jackson County.
Q You lived there how long? A I dont know sir; I left there when I was small.
Q And went from there where? A Arkansas.
Q How long did you live in Arkansas? A 9 years.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir; my father was living the last I knew of him; I dont know where he is.
Q What is your father's name? A John Garson.
Q G-a-r-s-o-n? A Yes sir, I reckon so.
Q What is your mother's name? A Jane Morris.
Q Through which parent do you claim Choctaw blood? ABy my mother.
Q How much do you claim? A Her father was Indian, I dont knew how much that would leave for me.
Q Was her father a full blood? A Yes sir.
Q Was she a half blood Indian? A Yes sir.
Q Do you claim one half of that? A Well, my grandmother was Indian, but I dont know how much that would be for me.
Q Do you claim your Choctaw blood entirely through your mother? A Yes sir.
Q And she was one half Choctaw? A Yes sir.
Q Do you claim one quarter? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.

Q What was your father's blood or nationality? A I dont know sir; he was mixed blood, but I dont know, sir, what.
Q Did he have any white blood? A I expect he did; I dont know sir, to tell the truth.
Q Did he have colored blood? A No sir, he didnt have colored blood; he was Irish or something.
Q Well that is white; do you mean to say that John Garson was a full blood white man? A I dont know; he was mixed, but I suppose he was white, yes sir.
Q How could he be mixed if he was white? A He was mixed with white and Irishman too.
Q Do you know what an Irishman is; what is an Irishman? A I dont know, sir.
Q Is he a kind of an Indian? A No sir, he must be a white man I reckon.
Q If his white Irish blood is mixed with his write blood what is it? A Just white Irish I guess.
Q He is a white man? A Yes sir.
Q Do you claim your father was a white man having Irish blood? A Yes sir, I think thats it.
Q What was your mother's blood? A Her father was an Indian, her mother I dont know what she was; she was mixed with Indian too.
Q Tom, you are skipping the Negro blood all you can, are you not? A No sir.
Q Have you not got any Negro blood? A Nothing but what come from my mother's side.
Q Didn't people ever say that you had Negro blood? A Well, I know my skin is dark.
Q Is all your Negro blood from your mother? A Yes sir.
Q How much Negro blood had she? A She was one fourth I reckon.
Q You are part Negro then? A Yes sir.
Q Was your father a slave? A No sir.
Q Was your mother? A Yes sir.
Q And you were too, were you not? A Yes sir.
Q Both you and your mother were liberated by the act of emancipation, were you? A Yes sir.
Q Where did she live when she was a slave? A In Jackson County, Georgia.
Q And you were living there then, too? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Caroline Gildon.
Q Is she a colored woman? A Yessir.
Q She is living? A Yes sir.
Q You dont make any claim for her? A No sir.
Q Your name is Gildon? A Yes sir.
Q Your father's name was Garson? A Yes sir.
Q Your mother's name is Morris? A Yes sir.
Q How is it that you all have different names? A She married a Morris after the surrender.
Q And before the surrender a man named John Garson? A He was connected with her some way; he was not married to her.
Q And you are the result of that connection? A Yes sir.
Q Then your mother and John Garson were not married? A No sir.
Q And you were born while your mother was a slave? A Yes sir.
Q And that is the reason why his name and her name are not the same? A Yes sir.

Q And how does it happen that you have the name of Gildon? A I just took my master's name.
Q Now, give me the names of your children under twenty-one years of age and unmarried for whom you want to make application? A Narcisse Gildon.
Q Boy or girl? A Girl.
Q How old is Narcisse? A Eight.
Q The next? A Janie.
Q How old is Janie? A Seven.
Q Is Janie a girl? A Yes sir.
Q What is the name of the next? A Minnie.
Q How old is Minnie? A Six.
Q The next? A Sarah.
Q How old is Sarah? A Four.
Q The next? A Ody.
Q Boy or girl? A Girl, all girls until the last one.
Q How old? A Three years old.
Q Now, the next? A Margaret?
Q How old is Margaret? A Two.
Q The next? A John.
Q How old is John? A He's about three months old.
Q You claim for yourself and these children, do you? A Yes sir
Q Is your wife, Caroline, the mother of these children? A Yes sir.
Q You and she are living together as husband and wife and these children living with you at your home? A Yes sir.
Q When were you married to her? A It has been about 9 years ago.
Q Do you remember the day of the month? A No sir, I disremember what year or month.
Q Were you married by a minister under a license? A Yes sir.
Q Have you the proof of your marriage with you now? A No sir, I have not.
Q Where were you married? A Waco, Texas.
Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
Q Have you ever made any such application for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months

From the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14, as read to you? A No sir, I dont know.
Q What is the name of your ancestor through whom you make this claim to be identified as a Mississippi Choctaw,- go back as far as you can and give me the name of your ancestor that you claim through? (No response)
Q You claim through your mother? A Yes sir.
Q Now, she claimed through her father, or mother? A Her father.
Q What was her father's name? A Howell Bailey.
Q That was your grandfather? A Yes sir.
Q Your mother's father? A Yes sir.
Q How much Choctaw blood did he have? A He was a full blood.
Q Do you know his father's or mother's name? A No sir.
Q Did he live in Mississippi or Alabama in 1830? A I dont know, sir.
Q Did you ever hear that he lived in either state? A No sir.

You are claiming now to be a person descended from a Mississippi Choctaw ancestor. Now, that means that you have to prove that you have Choctaw blood, and secondly, that your Choctaw ancestor,- the old people or person,- that you claim through used to live in the old Choctaw Nation, either in Mississippi or Alabama.

Q Do you know whether Howell Bailey ever lived in Mississippi or Alabama? A I dont know, sir.
Q How do you know you are a Mississippi Choctaw? A My mother always told me.
Q What did she tell you; you say your mother used to live in Georgia? A Yes sir, lives there now.
Q Did she ever live in Mississippi? A No sir, I dont think she did; she was born in Georgia.
Q And you dont know whether her father or mother ever did? A Now her father, I dont know; I never heard them say.
Q You claim through her father? A My grandfather, yes sir.
Q Can you give the name of any Choctaw ancestor who did live in that old Choctaw Nation east of the Mississippi river in 1830, and had a family there then,- in other words was the head of a family there at that time? A No sir.

Q You are not able to say that you are a Mississippi Choctaw Indian, are you? A No sir, not at present.
Q Do you think you can show that if you are given time? A Yes sir.

This applicant fails to establish the fact, at this hearing, that he had an ancestor who was a Choctaw Indian, and who lived in the old Choctaw Nation, either in Mississippi or Alabama. In order that he may have an opportunity to establish this fact if possible thirty days time from the date hereof is allowed him in which to introduce any proper testimony before the Commission in support of this application,

Q Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.
Q Did any of them live on land in the old Choctaw Nation for five years, and at the end of that time get a patent or deed from the government for that land? A Not as I know of.
Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
Q Was Howell Bailey a slave? A No sir.
Q How do you know he was a full blood Indian? A Thats what my mother told me.
Q How do you know he was a Choctaw? A She said he was Choctaw.
Q Did he live in Georgia? A Yes sir.
Q Did he ever live in Mississippi? A I dont know, sir; he was overseer there in Georgia, for Sam Bailey.
Q His name was Howell Bailey; it seems like he must have taken Sam Bailey's name? A I dont know about that.
Q You are sure he was not a slave? A Yes sir, he was not a slave.
Q Was his wife a slave? A Yes sir, she was a slave.
Q What was her name? A Patience.Bailey.
Q Now, did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory for the purpose of making a permanent home in the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today? A No sir, not as I know of.
Q Did any of them go from that old Nation to the Choctaw Nation west of the Mississippi river with the other Indians between 1833 ad 1838 at the expense of the government? A No sir, not as I know of.
Q None of them owned any improvements on land in the old Choctaw Nation in 1830? A No sir.
Q Did any of them go before the Commission of 1837 or the commission of 1842, and claim any rights under article 14 of the treaty of 1830? A No sir.

These commissions were appointed by various acts of Congress to hear Choctaw Indians who claimed that they had gone to Colonel Ward and registered or attempted to register under

article 14, but Ward had refused to accept their names for registration, and because of his refusal these Choctaw Indians had their land taken from them in the old Choctaw Nation by the government and sold.
An act of Congress approved August 23rd, 1842, provided for the issuance of scrip or certificates to Choctaw Indians who prove' their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them in the old Choctaw Nation by the government and sold.

Q Did any of your Choctaw ancestors receive any such scrip? A No sir, not as I know of.
Q Do you speak the Choctaw language? A No sir.
Q Have you any other evidence you want to present now? A No sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry; his Negro blood is predominant. The characteristics of the African race are marked in his appearance and language. His complexion is that of a mulatto; features are somewhat the shape of the Negro race. He also shows a strain of blood different from the Negro, which he says is Indian blood; he claims to be a Choctaw Indian but fails to show that he ever had a Choctaw Indian ancestor who lived in the old Choctaw Nation east of the Mississippi river. His mother and he also were slaves at one time, and both were liberated during the war by the act of emancipation. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 17th day of January, 1903, and that the within and foregoin is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 24 day of January, 1903.

Notary Public.

6610

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 2, 1903.

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ADDITIONAL TESTIMONY

IN

The matter of the application of Tom Gildon, et al., for identification as Mississippi Choctaws, M.C.F. 6610.

Berry Gay being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Berry Gay.
Q How old are you? A I will be seventy five the fourteenth of February - of this month.
Q What is your post office address? A Redbird, on that new railroad.
Q Where is that, in the Indian Territory? A Yes sir right up here about fifteen or twenty miles.
Q In what nation is that? A In the Creek Nation.
Q What is your nationality or race; are you a colored man or what? A I was Georgia raised; my mother was a white woman and my father was a darkey.
Q You have no Indian blood? A None at all.
Q Were you a slave at one time? A No, sir.
Q Always free? A Yes, sir.
Q Do you know this applicant Tom Gildon. A No sir I don't know nothing; just met him here in this state -- it's been maybe a month ago; he just told me -- I was splitting boards and he stopped to warm and I told him I was a Georgian and he said he was a Georgian and I asked him where and he told me right in my own settlement -- told me about his people and I said I knew your people I expect better than you do-- old Uncle Howard Bailey he was and Aunt Patience, his wife, I knew them.
Q You didn't know him before that day? A No sir, I didn't until he told me he was a Georgian and told me where he was raised.
Q When was that? A Maybe a month ago.
Q What was the name of his father? A Howard Bailey.
Q Was his grandfather a full blood Choctaw Indian? A I didn't know his father.
Q Howell Bailey? A Yes, sir, Howell Bailey was his grandfather.
Q Did you say Howell or Howard? A Howell.
Q I want to ask you if you knew the mother of this man Tom Gildon? A No sir, I didn't know his mother particular only he told me that old man Howell Bailey was his grandfather and Patience was his grandmother; I don't know; he has come up since that day; I don't know him only he told me who he was.
Q You never knew him before a few weeks ago? A A few weeks ago.
Q You never knew his father nor his mother? A No sir.
Q But he told you he came from Georgia ? A Yes sir.
Q And who his people were and you said you knew his grandfather.
A I knew his grandfather; he told me who his grandfather was.

Q Well who spoke the name Howell Bailey first - you or he? A He spoke it; called his grandfather's name.
Q And then you said you knew him? A Then I knew him and I knew old Aunt Patience; don't think hard of me but they had a daughter I used to go round with, and they had two sons I associated with.
Q Where did you know Howell Bailey? A I knew him in Kemper County Mississippi and then in Georgia I knew him again - come across him in Georgia.
Q When did you know him in Kemper County Mississippi? A I don't recollect; but I expect it was somewhere about 1850.
Q That's the first you knew him? A That's the first I knew him.
Q Then later on you knew him in Georgia? A Yes, then I come across him in Jackson County on Oconee river in Georgia.
Q How long did you know him in Georgia? A Four or five years off and on.
Q What became of him? A I don't know sir; I worked my way down south and after I left up there I didn't go back no more.
Q You don't know what became of him? A No sir.
Q How do you know he had Choctaw blood? A He passed by that name and there was a great lot of Choctaws over in Kemper County.
Q How do you know he had Choctaw blood? A Only just as he told me. Q What did he tell you?
A He told me that he was a Choctaw - talked about his race of people - Choctaws, and that's all I know.
Q How much colored blood did he have? A I don't know that he had any, from his looks he was a full blood Choctaw.
Q Did he speak the Choctaw language? A O, he could talk the language, and then talk plain language like me and you; I couldn't understand the Indian talk.
Q How old a man was he? A I don't know; he must have been some forty or forty five when I was acquainted with him because he had a daughter grown.
Q You knew him in 1850? A Somewhere about that; I cant say for certain.
Q He was forty or forty five, I expect, he was somewhere along there, he had three children, Jeff and Jim and Adeline, because I used to take Adeline round pretty much.
Q Was he much older than you? A Yes, he was old enough for my father I expect, I don't know.
Q Do you know whether he lived in Mississippi in 1830? A I cant tell but it was about fifty I think, somewhere about that when I was acquainted with him in Kemper County.
Q You don't know whether he lived in 1830 in Mississippi and had a family there then? A No sir I dont know but there was a great lot of Indians there, a great lot of Indians on a creek, I forget the name of the creek.
Q Well now did you ever hear about the treaty of 1830 or the treaty of Dancing Rabbit Creek? A Well I can recollect when they was driven I think from Arkansas into this Indian territory.
Q You recollect that do you? A Yes sir.
Q You are seventy five now? A Yes sir, will be in a few days.
Q You don't know much about anything that was done in 1830 do you? A No I dont know anything about that.
Q You don't know whether Howell Bailey got any land in Mississippi from the government do you? A I don't know anything about that only I was acquainted with him; I'm acquainted with a great lot of Indians; I stayed right among them.
Q Was Howell Bailey a slave? A No sir; he was Indian you know
Q He was a darkey was he? A No sir he wasn't.

Q Was his wife a slave? A Yes sir she was a slave.
Q Patience was it? A Yes sir.
Q We never heard anything about her before;Tom Gildon didn't say anything about Patience when he was here. A He mentioned Patience and Howell being his grandmother and when he mentioned that I said I expect I was better acquainted with them than him because I used to keep company with one of the girls. And we used to be particular associates and I could tell him a whole lot of people round there and places round there; I dont know a thing about him.
Q Do you know that Howell Bailey lived in Mississippi in 1830 and had a family there then? A I cant tell Boss; he had a family when I was acquainted with him.
Q That was in 1850? A Somewhere about there I suppose, close to about there.
Q How old washis daughter that you went with? A She was about the age of me.
Q Howold was that? A I suppose I was about eighteen or twenty I suppose somewhere along there.
Q Well if Emeline was twenty at that time and you knew her in 1850 she was born in 1830. A I cant tell.
Q You dont know about that? A I just suppose; I neverdid ask her
Q All you know is this, is it; you knew that a man named Howell Bailey who married a woman named Patience whomwas a slave lived in Mississippi in 1850? A Yes somewhere about that time.
Q And at that time he was a grown man? A Yes he had children.
Q And had one daughter you knew about eighteen or twenty years old. A She wasn't that old then; this Emeline wasn't that old; when I found him in Jackson County she was then about grown; me and her went to a lot of balls together and weddings.
Q You dont know whether he lived in Mississippi in 1830?
A No sir.
Q And you dont know anything about what happened in 1830 in that treaty between the United States and the Indians? A Not a thing do I know..
Q And he never had any land there did he? A I dont know about that - just acquainted with the three of the youngest, Jim and Jeff and Emeline were the youngest.
Q Were any of them older than Emeline? A The two boys were older than Emeline.
Q Were they living twenty years before that in 1830? A I suppose they were.
Q Do you think they were born in 1830; that would make them seventy three years old now? A Jim and Jeff were older than Emeline.
Q Were they as old as you? A Jeff was older.
Q You are seventy five? A Yes sir.
Q Therefore you were born before 1830 and Jeff was a little older than you? A Yes sir
Q And therefore Jeff must have been born a little before 1830; now was he born in Mississippi? A In Kemper.
Q They were born in Mississippi in Kemper County? A Yes sir.
Q Therefore Howell Bailey lived in Mississippi in 1830 and they had at least one child living with him there then?A I cant tell you.
Q If what you say is true he must have been if he was born in Kemper County and he was older than you; you are seventy five; he must have been born in 1830. A I expect, boss he was twenty years older than me.
Q Have you told all you know? A That's all I know; I know all

Berry Gay 4

the neighbors that he knew(indicating); that' all I know about his connection.

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This witness appears before the Commission to give additional testimony in the above entitled case; he is a man seventy five years of age and infirm; he is very garrulous and it is difficult to arrive at any facts bearing upon this case because of his disposition to talk about matters which do not pertain to the case; however it would seem from his testimony that Howell Bailey the grandfather of this applicant lived in Mississippi in Kemper County in that state and it would seem that this witness knew him there; he claims that he was an Indian and that his wife Patience was a slave; he knows nothing of a compliance on the part of Howell Bailey with the provision of article fourteen of the treaty of 1830 and it would also further apear that Howell Bailey lived in Mississippi in 1830 and had one son named Jeff living with him then. He further states that Howell Bailey spoke a language different from the English language which he presumes was Choctaw.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above proceedings on the 2nd day of February 1905 and that the above and foregoing is a full true and correct transcript of her stenographic notes of same.

Clara Mitchell Wood

Subscribed and sworn to before me this 11th day of February 1905.

Charles N. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Tom Gildon, et al., for identification as Mississippi Choctaws, M.C.R. 6610.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Tom Gildon for himself and his seven minor children, Narcisse, Janie, Minnie, Sarah, Ody, Margaret and John Gildon, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Howell Bailey, who is alleged to have been a full-blood Choctaw

Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Howell Bailey, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Gildon, Narcisse Gildon, Janie Gildon, Minnie Gildon, Sarah Gildon, Ody Gildon, Margaret Gildon and John Gildon, as Choctaw Indians entitled to rights in the Choctaw lands under the provis-

ions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman

T. B. Needles.
COMMISSIONER.

COMMISSIONER.

W. E.
COMMISSIONER.

Muskogee, Indian Territory,
AUG

M.C.R. 6610.

COPY.

Muskogee, Indian Territory, August 4, 1903.

Tom Gilden,

Cheeka, Indian Territory.

Dear Sir:-

You are hereby advised that on the 4th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Tom Gilden et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

" It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Gilden, Narcisse Gilden, Janie Gilden, Minnie Gilden, Sarah Gilden, Ody Gilden, Margaret Gilden and John Gilden, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

T.C. 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.

COPY. M.C.R. 6610.

Muskogee, Indian Territory, August 4, 1903.

Mansfield McMurry & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 4th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Tom Gildon et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

" It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Gildon, Narcisse Gildon, Janie Gildon, Minnie Gildon, Sarah Gildon, Ody Gildon, Margaret Gildon and John Gildon, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such argument will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. [illegible]
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Tom Gildon, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also inclosed affidavit of Clementine Bailey, received subsequent to rendition of decision.

Respectfully,

[redacted]
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

8 Enc.: M.C.R.6610.

(COPY).

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

W A S H I N G T O N, Oct. 30, 1903.

54,338-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Choctaws by reason of descent from Howell Bailey and his wife [illegible] Malvern, Lucinda, Jane, Minnie, [illegible], Ody, Margaret and Jane Tilton, minors, [illegible] action of the Commission denying said applications was rendered by the Commission on August 4, 1903.

An examination of the record in this case shows that the applicants predicate their claims to a right to identification on their descent from Howell Bailey, who is alleged to have been a full blood Choctaw Indian in 1830. As to whether he was a resident of the Choctaw Nation in Mississippi or Alabama, at that time, the witness is unable to state, nor has he any knowledge as to whether this ancestor either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty.

The applicants were rejected by the commission for the reason that its records failed to show that the ancestor through whom they claim either complied or attempted to comply with the provisions

of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office has been made with reference to the case of Howell Bailey, and it is ascertained that the roll does not appear to contain the names of those Choctaw Indians who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or subsequent legislation relating thereto. This being the case, it is evident that the decision of the examining clerk in the applicants was correct, and I recommend that it be approved.

Very respectfully,

(. . .) .

(COPY).

W.C.F.
F.P.E.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 24, 1903.

B.C. 33019.
I.T.D. 7804-1903.
T.P.Z.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

August 20, 1903, you submitted to this office the case involving the application of [illegible] Choctaws of the Gilden (N.T.D. 6110), [illegible] minor children, Marissa, Jesse, [illegible], Gilden, [illegible] identify [illegible].

These applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Howell Valley, grandmother of the principal applicant, it being alleged that said ancestor was a full blood Choctaw Indian.

The Commission rejected the applicants for the reason that the record failed to show that the ancestor through whom they claim complied or attempted to comply with the provisions of Article 14 of the treaty of 1830.

The evidence furnished by the record, as well as that in the records of this office, fail to show that said ancestor complied or attempted to comply with said Article 14 of said treaty, or with

the subsequent acts of Congress relating thereto.

Reporting October 30, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision rejecting the application is accordingly affirmed.

Respectfully,

Thos. Ryan,

1 inclosure. Acting Secretary.

M.C.P. 110.

Muskogee, Indian Territory, December 5, 1903.

Tom Gildon,

Choska, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Tom Gilion et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

U.S. t.0610.

Muskogee, Indian Territory, December 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Tom Gildon et al., of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

Tams Bixby
Chairman.

M C R 6610

Muskogee, Indian Territory, December 8, 1903.

Tom Gildon,

Choska, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between yourself and Caroline Joshua, offered in support of your application for the identification of yourself and minor children as Mississippi Choctaws, and the same is herewith returned for the reason that on November 24, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application, of which departmental action you were notified on December 5, 1903. The Commission now considers your case closed and cannot receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

MoM 2

M C R 6610

Muskogee, Indian Territory, September 27, 1904.

Tom Gildon,

Redbird, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask to be advised what further evidence is required in the matter of your application for the identification of yourself and minor children as Mississippi Choctaws.

In reply to your letter you are informed that on November 24, 1903, the Secretary of the Interior approved the decision of the Commission of August 4, 1903, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which Departmental action you were duly notified on December 5, 1903.

The Commission now considers your case closed and is without authority to receive or consider any further evidence in support thereof.

Respectfully,

JD

Chairman.

M C R 6610

Muskogee, Indian Territory, June 4, 1906.

Tom Gildon,

Porter, Indian Territory.

Dear Sir:

In compliance with your request of the 23rd ultimo, there is herewith enclosed copy of testimony given by Berry Gay at Muskogee, Indian Territory, February 2, 1903, in the matter of your application for identification as a Mississippi Choctaw.

Respectfully,

Commissioner.

McM 4/3

M C R 6610

Muskogee, Indian Territory, July 9, 1906.

Tom Gildon,

Red Bird, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, requesting that the letter recently sent to you at Porter, Indian Territory, from this office, and returned "unclaimed," be now forwarded to Red Bird, Indian Territory.

In reply you are informed that your request has this day been complied with.

Respectfully,

Commissioner.

No 6610

No. 6610

For Identification as a Mississippi Choctaw.

Date JAN 17 1903

Name Tom Gildon

Age 42 - Blood 1/4

Post Office, Chanka, I.T.

Father: John Garson, L.

Mother: Jane Morris, L.

Claims through mother, 1/2

Wife,

Caroline Gildon L. neg

No claim for wife -

Children:

Narcisse Gildon F. 8

Janie " F. 7

Minnie " " 6

Sarah " " 4

Edy " " 3

Margaret " " 2

John " M 3 m.

Claims for self and 7 minors.

Stenographer W. H. Martin

Additional testimony — No. 6610.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date FEB 2 1903

Name Tom Nelson's case

Age Blood

Post Office.

Father:

Mother:

Claims through

Children.

Witness
Berry Gray, colored.
75 years old.

Claim to have
known Monroe
Bailey q.b. &
app.t

Stenographer Claiborne Wood

FOR [illegible]
A MI[illegible]

Tom Gildon et

Choctaw MCR 6611

Sarah Patterson

MCR 6611

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Sarah Patterson, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

Sarah Patterson,	M.C.R. 6611
Jim Wilkerson, et al.,	M.C.R. 6612

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of Sarah Patterson to the Dawes Commission for identification as a Mississippi Choctaw----------	1
Original application of Jim Wilkerson, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	6
Decision of the Commission refusing the applications in the consolidated case of Sarah Patterson, et al., for identification as Mississippi Choctaws----------	12

-----o-----

Cecil.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 17, 1903.

In thematter of the application of Sarah Patterson for the identification of herself as a Mississippi Choctaw.

Sarah Patterson being duly sworn testifies as follows:

Examination bythe Commission.

Q What is your name? A Sarah Patterson.
Q What is your age? A 65.
Q What is your post office address? A Caddo.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A I haven't lived there very long.
Q Have you been living there a year? A Yes sir.
Q Your son says he has been living there eight years, and you have been backward and forward, living there off and on? A Yes sir.
Q Where do you live besides Caddo, what other place? A In Texas.
Q Were you born in Texas? A No sir.
Q Where were you born? A Mississippi.
Q Where in Mississippi? A I dont remember.
Q How long did you live in Mississippi? A About 14 or 15 years old when I left there.
Q Where did you go? A To Texas.
Q And have lived in Texas ever since except when you have been in the Territory? A Yes sir.
Q And you have not had any particular residence for the past eight years; you have just gone back and forst? A Yes sir.
Q Have you been in the Indian Territory now for a year, or half a year? A Yes sir.
Q About a year? A Longer than that, backwards and forwards.
Q And I mean the last time you came in, when was that? A Just a week or two.
Q You have been here about a week or two, have you? A Yes sir.
Q Is your father living? A Not as I know of; I cant tell you.
Q Is your mother living? A No sir, she has been dead about 10 year.
Q What was your father's name? A Hosea,- I dont remember,- Hosea is all I know.
Q You dont remember his other name? A No sir, I was small.
Q What was your mother's name? A Harriet Fitzgerald.
Q Now, you claim your Choctaw blood through your father or mother? A Both sides.
Q How much Choctaw blood do you claim? A My father was a full blooded Choctaw, and my grandmother was Choctaw.
Q How much do you claim; how much was your mother? A Her grandmother was a full blooded Choctaw.

Q Do you know how muchChoctaw blood your mother had? A I guess her daddy was a colordd man.
Q You can't say how much you have then? A No sir.
Q Now, was your father a slave at any time? A No sir.
Q Was your mother? A Yes sir, my mother was.
Q And you were? A No sir, I wasn't a slave; I just got off with the servants.
Q Your mother was a slave and you were born during slavery times, were you not? A No sir.
Q You must have been, and therefore you must have been born in slavery? A Yes sir.
Q And you and your mother were both liberated in time of the war? A Yes sir.
Q Were you owned by the same master at that time? A No sir.
Q Different master's? (No response)
Q Did she take her master's name when she took the name of Fitzgerald? A Yes sir.
Q Do you know whether either of your parents were ever recognized as Choctaw Indians bythe Choctaw tribal authorities or the United States authorities inthe Indian Territory? A No sir, I couldn't tell you.
Q They were not married, were they? A My mother and father?
Q Yes? A No sir, I dont reckon they were.
Q That was during slavery times, you know? A I cant remember anything about that; I have a sister older than I am.
Q Is your husband living? A No sir.
Q You have no children you want to make application for? A No sir, I havegot-----
Q Your children are all over twenty-one years of age are they? A Yes sir.
Q Are they the children by your husband, who is now dead? A Yes sir.
Q What was his name? A Bob Patterson.
Q Was he a colorder man? A Yes sir.
Q How long has he been dead? A He's been dead about 20 years I reckon.
Q You are a widow now? A Yes sir.
Q How much colored blood did your mother, Harriet, have? A Well I reckon her father was a colored man.
Q You think she was one half colored then? A Yes sir, I reckon so.
Q Dont you think she had more colored blood than that? A No sir, I dont think so.
Q You claim for yourself alone, do you? A Yes sir.
Q Are your children all living in Texas? A Yes sir, all but this man here.
Q And Bob Patterson is the father of all the children you have living? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir,-- Bob is not the father of all of them.
Q Who is the father of the others? A Wilkerson.
Q What is his full name? A Jim Wilkerson.
Q Is he living? A No sir.
Q Who was your first husband? A Wilkerson.
Q And then you married Bob Patterson afterwards? A Yes sir.
Q These two are all the husbands you have had? A Yes sr.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted t citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission now to be identified as a Mississippi Choctaw, claiming under article 14 of the treaty of 1830? A Yes sir.
Q Now, do you think you understand that article so you can claim under it? A Yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article or not? A No sir.
Q What is the name of your ancestor that you now claim your right to be identified through;-- I mean by that your older ancestor, a relative, or forefather, or whoever you claim your Choctaw blood through? (No response)
Q Do you claim through your father and mother both? A Yes sir.
Q Do you claim through your father's father or mother? A My father's father, and his mother.
Q Do you know their names? A No sir, I dont know my father's father.
Q Do you know your mother's father's name? A No sir.
Q Do you know your mother's mother's name? A Mary Godfrey, her grandmother; her mother was named Lindy Godfrey.
Q Do you claim your mother gets her Choctaw blood from her mother? A Yes sir.
Q What was her mother's name? A Malinda.
Q Malinda what? A Malinda Turner I think they went by.
Q How much Choctaw blood did your grandmother on your mother's side have? A Her mother was a full blooded Choctaw.
Q What was Malinda Turner's mother's name? A Mary Godfrey.
Q Was she a full blood Choctaw? A Yes sir.
Q That was your great grandmother? A Yes sir.
Q On your mother's side? A Yes sir.
Q And her daughter was Malinda Turner? A Yes sir.
Q And her daughter was Harriet Fitzgerald? A Yes sir.
Q Do you know whether your father, Hosea, or Mary Godfrey, your great grandmother on your mother's side, or any of your Choctaw

ancestors, went before the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and told himthat they wanted to stay in Mississippi, take land there, and become citizens of the states? A No sir, I dont remmber.

Q You dont know your father's father's or mother's name? A No sir.

Q Do you know whether your father lived inMississippi in 1830? A I think he did.

Q How old would he be if living now? A He would be over a hundred years old; ma was a hundred if she would be living now.

Q If your father would be over a hundred years old now dont you think he would be dead? A Very likely he would be; I couldn't tell you.

Q You dont know whether he is dead or not? A No sir.

Q But he would be pretty old if living? A Yes sir, he would.

Q Do you know of any Choctaw ancestor of yours who lived in the old Choctaw Nation either in Mississippi or Alabama in 1830, and had a family there at that time? A No sir, I dont.

Q Did any of your Choctaw ancestors on either your father's or mother's side claim any land and live upon land in the old Choctaw Nation either in Mississippi or Alabama for five years, and at the end of that time did they get a patent or deed of that land from the government under article 14? A No sir, I dont remember anything about whether they did or not.

Q Dont know whether they claimed any land t ere under article 14 of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river, partly in Mississippi and partly in Alabama, to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I dont remember about that.

Q Did anyof your Choctaw ancestors go to the Choctaw Nation Indian Territory from that old Choctaw Nation at any time between the ratification of the treaty of 1830 and the date of this application made by you today, for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir, I dont remember anything about that.

Q Did any of your Choctaw ancestors go before the Commission appointed by act of Congress approved March 3rd, 183?, or the commission appointed by act of Congress approved August 23rd, 1842, and claim any benefits as Choctaw Indians under article 14 of the treaty of 1830? A No sir, not that I know of.

These commis ions were appointed by various acts of Congress to hear the cases of all Choctaw Indian claimants who desired to come before either of them respectively and show that they had complied with article 14, and had registered or attempted to register under that article, but that Colonel Ward had refused to allow their names to go on his register, and because of his refusal these Indians had their land taken from them by the government and sold at its public land sales. The complaints made by these Indians caused these commissions to be appointed to hear them, and adjust their claims.

Q You never heard that any of your people went before either of these commis ions? A No sir.

Q None of them owned any improvements on land in the old Choctaw Nation in 1830? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I dont remember whether they did or not.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was isued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them in the old Choctaw Nation and sold by the government at its public land sales.

Q Do you speak or understand the Choctaw language? A No sir.
Q you never did associate much with the Indians? A No sir, but I have been amongst them right smart too.

30 days time is allowed this applicant in whic to introduce other proof, if she desires, in support of this application.

Q You have no lawyer? A No sir.
Q Is there any other evidence you want to present now? A No sir.
Q Have you any papers you want to file? A No sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry.

Q Do you claim any white blood? A No sir, no white blood about me.
Q Then you claim either Choctaw or Negro blood, do you? A Yes sir.

She claims Choctaw Indian and Negro blood; her hair is black and straight; her features are not the features of a full bloodNegro; they show the African characteristics,but not to the degree of a full blood Negro. She does not understand the Choctaw language; her eyes are black, and complexion is that of one mixed either with African and white or African and Indian blood; she says she has no white blood. Her mother was a slave, and she also, and both were liberated by the act of emancipation. She ays her father was a full blood Indian, and was free. She has no k owledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 17th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

/s/ W. H. Martin

Subscribed and sworn to before me this 24 day of January, 1903.

Charles H. Lawyer

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Sarah Patterson, et al., for identification as Mississippi Choctaws, Consolidating the applications of:

Sarah Patterson,	M.C.R. 6611
Jim Wilkerson, et al.,	M.C.R. 6612

---: D E C I S I O N :---

It appears from the record herein that applicati ns for identification as Mississippi Choctaws were made to this Commission by Sarah Patterson for herself, and by Jim Wilkerson for himself and his eight minor children, Birdie, Lela, Tennie, Pearl, Mary, William, Sarah and Allie Wilkerson, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

th, eighteen hundred and thirty, by reason of being descendants
ry Godfrey, who is alleged to have been a full-blood Choctaw
n.

It further appears from the testimony of the applicants
n that they also claim said rights by reason of being descend-
of Hosea, the father of the principal applicant, who is alleged
ve been a full-blood Choctaw Indian, but as his given name is
mentioned it is impossible for the Commission to determine
er or not said ancestor was a beneficiary under article four-
of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support
id applications, and from the records in the possession of the
ssion, that none of said applicants has ever been enrolled by
hoctaw tribal authorities as a member of the Choctaw tribe, or
ted to Choctaw citizenship by a duly constituted court or com-
e of the Choctaw Nation, or by the Commission to the Five Civ-
d Tribes, or by a decree of the United States Court in Indian
tory, under the provisions of the act of Congress approved June
896 (29 Stats., 321).

It does not appear from the testimony and evidence offered
pport of said applications, or from the records in the possess-
the Commission, relating to persons who complied or attempted
mply with the provisions of said article fourteen of the treaty
ghteen hundred and thirty, and to persons who heretofore were
ants thereunder, that the said Mary Godfrey, or ancestors less
signified (in person or by proxy) to Colonel Wm. Ward, Indian
, Choctaw Agency, an intention to comply with the provisions of
rticle fourteen, or presented a claim to rights thereunder to
of the Commissions authorized to adjudicate such claims by
t of Congress approved March 3, 1837 (5 Stats., 180) and
23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Patterson, Jim Wilkerson, Birdie Wilkerson, Lela Wilkerson, Tennie Wilkerson, Pearl Wilkerson, Mary Wilkerson, William Wilkerson, Sarah Wilkerson and Allie Wilkerson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles.

C. R. Breckinridge.

W. E. Stanley.

Muskogee, Indian Territory,
AUG 4 1903

May 11

I received your copy of [illegible]

the case of [illegible]

M. C. R. 6611

Muskogee, Indian Territory, August 4, 1903.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of August,1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Patterson, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Patterson, M.C.R. 6611
Jim Wilkerson, et al., M.C.R. 6612

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats.,495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Patterson, Jim Wilkerson, Birdie Wilkerson, Lela Wilkerson, Tennie Wilkerson, Pearl Wilkerson, Mary Wilkerson, William Wilkerson, Sarah Wilkerson and Allie Wilkerson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be

forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

M. C. R. 6611

COT

Muskogee, Indian Territory, August 4, 1903.

Sarah Patterson,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of August,1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Patterson, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Patterson,	M.C.R. 6611
Jim Wilkerson, et al.,	M.C.R. 6612

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Patterson, Jim Wilkerson, Birdie Wilkerson, Lela Wilkerson, Tennie Wilkerson, Pearl Wilkerson, Mary Wilkerson, William Wilkerson, Sarah Wilkerson and Allie Wilkerson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the

applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Register.

(Copy)

Muskogee, Indian Territory, August 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Sarah Patterson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 4, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Sarah Patterson,	M.C.R. 6611
Jim Wilkerson, et al.,	M.C.R. 6612.

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(signed) T. B. NEEDLES,
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
2 Enc. M.C.R. 6611.

(COPY)

Land.
54,343-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Oct. 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes, in the matter of the application of Sarah Patterson for the identification of herself, and by Jim Wilkerson for the identification of himself and his eight minor children, Birdie, Lela, Tommie, Pearl, May, William, Sarah and Allie Wilkerson, as Mississippi Choctaws, wherein a decision rejecting them was renuered by the Commission on August 4, 1903.

The record in this case shows that the applicants base thei their claims to a right to identification on thier descent from two lines of Choctaw ancestors, these ancestors being Mary Godfrey, Malinda Turner and Hosea, surname unknown.

It is alleged that these ancestors were residents of the Choctaw Nation in Mississippi in 1830 or subsequent thereto. The witnesses have no knowledge as to the compliance on the part of any of these persons named with the provisions of the 14th article of the Choctaw treaty of 1830.

The applicants were rejected by the Commission for the reason that its records failed to show that Mary Godfrey complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the names of Mary Godfrey, Malinda Turner and ..... Hosea, and it is ascertained that their names do not appear among the list of those Choctaw Indians who were beneficiaries under the 14th article of the Choctaw treaty of 1830, or subsequent legislative relative thereto.

I therefore recommend that the decision of the Commission rejecting them be approved.

Very respectfully,

W. A. Jones,
Commissioner.

(E.B.H.) P.

(COPY)

D.C. 33023.
I.T.D. 7806-1903.
L.R.S.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

W.C.F.
FHE

November 24, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 20, 1903, you transmitted the consolidated case embracing the applications for identification as Mississippi Choctaws of Sarah Patterson (M.C.R. 6611), for herself, and of Jim Wilkerson for himself and his eight minor children, Birdie, Lela, Tennie, Pearl, Mary, William, Sarah and Allie Wilkerson, including your decision of August 4, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Mary Godfrey, and Malinda Turner, also from the principal applicant's father, Hosea, surname unknown, it being alleged that said ancestors were Choctaw Indians.

The evidence furnished by the record, as well as the records of the Indian Office, fails to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting October 30, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision rejecting the applicants is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 6611.

COPY.

Muskogee, Indian Territory, December 5, 1903.

A. S. McRae,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Patterson et al.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 6611.

Muskogee, Indian Territory, December 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Patterson et al., of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

Tams Bixby.

Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6611.

Muskogee, Indian Territory, December 5, 1903.

Sarah Patterson,

Caddo, Indian Territory.

Dear Madam:-

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Patterson et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

Chairman.

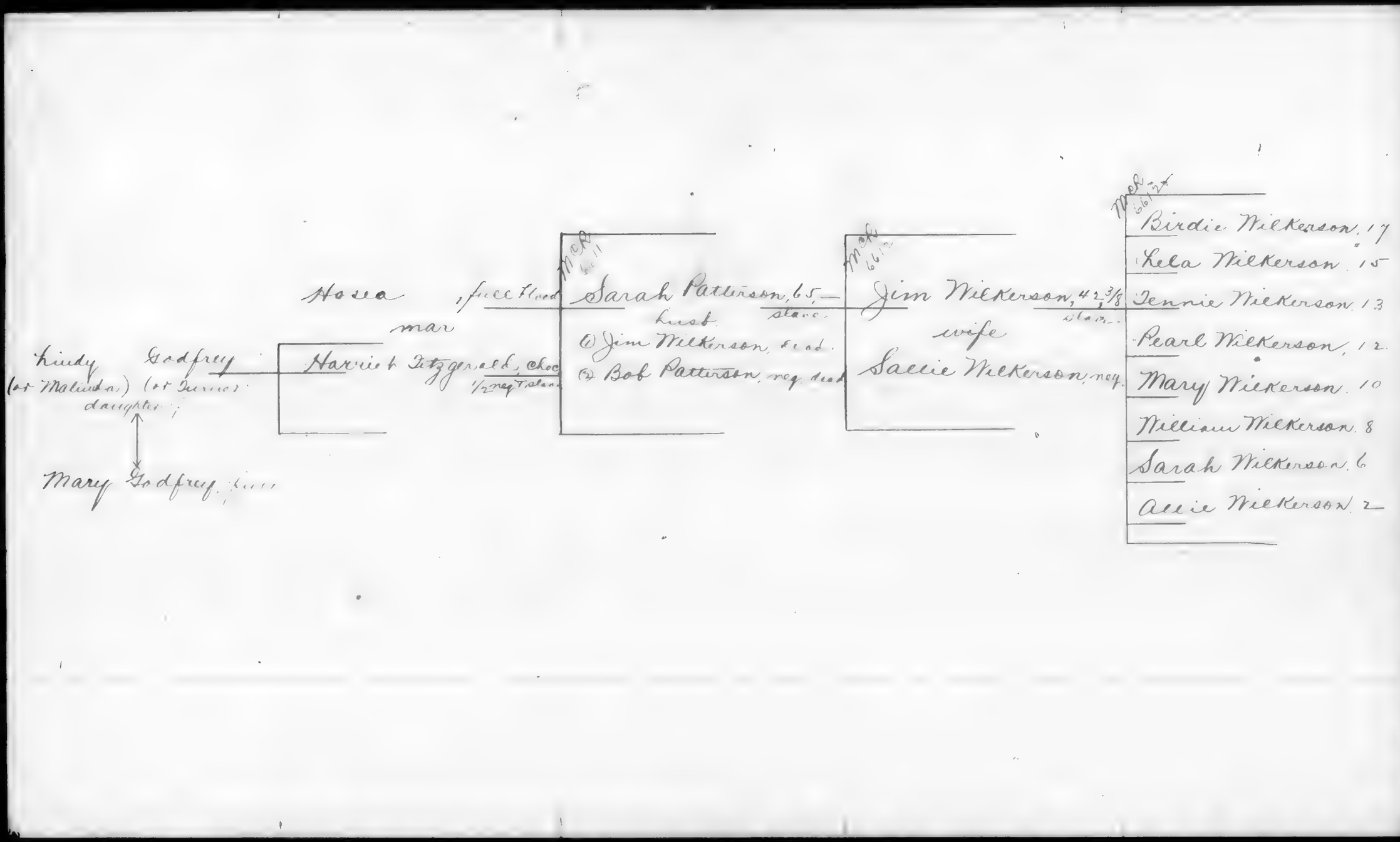
REFER TO M. C. R. 6611

Sarah Patterson et al

Consolidated Case.

MOTHER'S TRIBAL ENROLLMENT			
AR	BAND	No.	MOTHER'S OWNER

REMARKS	DAWES ROLL NO.


Hosea
, free Negro
mar
Harriet Fitzgerald, Choc
1/2 neg 1/2 Indian
Sarah Patterson, 65, —
husb.
① Jim Wilkerson, 4 wd.
② Bob Patterson, neg wd
stave.
Jim Wilkerson, 42 3/8
slave
wife
Sallie Wilkerson, neg.
Birdie Wilkerson, 17
Lela Wilkerson, 15
Jennie Wilkerson, 13
Pearl Wilkerson, 12
Mary Wilkerson, 10
William Wilkerson, 8
Sarah Wilkerson, 6
Allie Wilkerson, 2
Lindy
(or Malinda)
daughter
Godfrey
(or Turner)
Godfrey
Mary Godfrey, free

B 6611

No. 6611

For Identification as a Mississippi Choctaw.

Date JAN 17 1903

Name Sarah Patterson.

Age 65. Blood Dist. Knows

Post Office. Caddo. I. T.

Father Hosea — full —

Mother Harriet Fitzgerald, d.

Claims through both parents —

Husband

Bob. Patterson, cal'd.

(Children:

No children —

Claim for self

*Stenographer W. H. Martin —

CADDO IND. T.
DEC
9
7 AM
1903
RECD.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN [illegible]

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Cannot be delivered

Recd
8/6/1803

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.





11552

Sarah Patterson,

Caddo, Indian Territory.

Sarah Patterson

Choctaw MCR 6612

Jim Wilkerson

MCR 6612

#6613.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 17, 1903.

In the matter of the application of Jim Wilkerson for the identification of himself and his eight minor children, Birdie, Lela, Tennie, Pearl, Mary, William, Sarah, and Allie Wilkerson, as Mississippi Choctaws.

Jim Wilkerson being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Jim Wilkerson.
Q What is your age? A 42.
Q What is your post office address? A Caddo, I. T.
Q How long have you lived there? A 8 years.
Q Where before that? A Texas.
Q How long did you live in Texas? A I was quite a small boy when I went to Texas.
Q Where did you live before you went to Texas? A Mississippi.
Q Where were you born? A Mississippi.
Q Do you remember where you lived in Mississippi? A No sir.
Q Where did you live when you went to Texas? A Fannin county.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Jim Wilkerson.
Q What is your mother's name? A Sarah Patterson.
Q You claim your Choctaw blood through your mother? A Yes sir, my mother.
Q How much Choctaw blood do you claim? A Well, I claim a half I guess.
Q How much Choctaw blood do you claim your mother has? A I dont know.
Q Do you claim only through your mother? A Well, yes sir, all I can learn of it; I dont know much about my father.
Q You dont claim anyChoctaw blood through your father; was he a colored man? A I dont know; he was a mixed breed; I dont know what he was.
Q How do you know he was mixed? A His picture dont show much Negro about him.
Q Do you think he was all white? A No sir.
Q White and colored? A I guess so.
Q Was he a slave? A I couldn't tell you.
Q Your mother wasat one time? A She dont claim she was.
Q She did claim she was? A She must have misunderstood you.
Q She is now 65 years old, and her mother was a slave; were you not born in slavery too? A Yes sir, but I never was a slave.

Q You were born in slavery? A Yes sir.
Q Why were you not a slave? A Well, I dont remember anything about being a slave.
Q Well, you were small then? A Yes sir, I guess that was it.
Q If you are 42 years old now you were born in slavery, and if your mother was a slave you must have been a slave too? A I must have been, but I dont remember anything about it.
Q Your mother stated that her mother was a slave, that she also was born during slavery, and that both were liberated by the act of emancipation? A Yes sir.
Q And if you are 42 years old now you must have been born before the act of emancipation, and you must have been liberated by that act of emancipation; but you say you dont remember anything about it because you were too young? A If I was ever a slave I wasn't old enough to know anything about it.
Q But you heard about it afterwards? A I never heard that I ever was a slave; never taught I was; but I reckon I was not old enough to know anything about it, was the way.
Q You dont think your father, Jim Wilkerson, was a slave? A No sir.
Q But he had some colored blood, do you know how much? A No sir, all I know about him is his picture; it dont show any Negro blood at all; it just shows white and some other blood; of course he has hair and mustache and all just exactly like mine, black.
Q Do you claim any Choctaw blood through your father? A No sir, I dont know; I just claim it through my mother as I know of; of course I dont know about him.
Q And you claim your mother had how much? A I dont know; I claim a half.
Q If you were one half she would be full? A I think maybe she's three quarters.
Q Suppose she is three quarters, then you would be one half of what your mother claims? A Yes sir.
Q That would make you three eighths? A Yes sir.
Q You have claimed one half, do you want to claim three eighths now? A I just claim it through my mother, though I cant claim it through my father, because I dont know him only by his picture.
Q You claim three eighths then? A Yes sir.
Q Has your mother ever been recognized or enrolled as a citizen of the Choctaw Nation by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her nationality? A She is Negro.
Q You dont make any claim for her? A No sir.
Q What is her name? A Sallie Chaffin,- nor Sallie Wilkerson.
Q It is not Wilkinson, is it? A No sir, Wilkerson, Jim Wilkerson.
Q Your father, Jim Wilkerson, was your mother's first husband? A Yes sir.
Q She afterwards married a man named Bob Patterson? A Yes sir.
Q Now, give me the names of your children under twenty-one years of age, and unmarried, that you want to make application for, commencing with the oldest? A Birdie.
Q Is that a girl? A Yes sir.
Q How old is Birdie? A I think she's going on 17.
Q The next? A Lela.
Q How old is Lela? A She's in 15 I think.

Q The next? A Tennie.
Q That is a girl? A Yes sir.
Q How old is Tennie? A I think she's 13 or 14.
Q Do you call her 13? A Yes sir.
Q What is the name of the next child? A The next one is a boy, Pearl.
Q That is a boy? A Yes sir.
Q How old is Pearl? A 12 years old.
Q Now, the next? A Mary.
Q How old? A 10.
Q The next? A William.
Q A boy? A Yes sir.
Q How old? A 8.
Q The next? A Sarah.
Q How old? A She's about 6.
Q The next? A Allie.
Q Is that a boy? A No sir, girl.
Q How old is Allie? A She's two years old.
Q Any others? A Thats all.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with your children? A No sir.
Q Is your wife, Sallie Wilkerson, the mother of these children? A Yes sir.
Q Are you and she living together as husband and wife and these children living with you at your home? A Yes sir.
Q Have you the proof of your marriage with you now? A No sir, I can get it, though.
Q Do you remember if you were married by a minister under a license? A Yes sir.
Q Where were you married? A Fannin County?
Q Texas? Yes sir.
Q Give me the day of the month and year? A I cant exactly give you the day of the year, but I can give you the month; I have been married 32 years the 9th day of March, this coming March.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw ~~Nation~~ tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q You understand that article, do you? A Yes sir, I believe I do.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten

years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with article 14 of that treaty? A No sir, I dont.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I dont know.
Q I mean to go back as far as you can? A I dont know no further back than my grandmother, Harriet Fitzgerald.
Q Your mother's mother? A Yes sir.
Q Now, your mother, Sarah Patterson, has just made application for her own identification as a Mississippi Choctaw, and she claims through her grandmother, Mary Godfrey,on her mother's side, and through her father, Hosea, on that side; do you know anything about those ancestors? A No sir, I dont.
Q If you are not able to testify any further back than your mother's mother, do you want to have her case considered with this case at this time? A Yes sir.

The case of Sarah Patterson, M. C. R. 6611, is here referred to for the purpose of consolidation; this applicant being the son of said Sarah Patterson, both claiming through the same ancestors.

Q Do you know whether any of your Choctaw ancestors lived in the state of Mississippi, or Alabama, in 1830? A No sir, I dont.
Q You heard your mother testify just a few moments ago? A Yes sir.
Q Do you remember whether she said any of her Choctaw ancestors lived in Mississippi or Alabama and were heads of families there in 1830, in the old Choctaw Nation? A I think she said they lived in Mississippi.
Q But all you know about it is what you heard her testify to? A All I know is what I have been told by her.
Q Did she ever tell you that any of your Choctaw ancestors went to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.
Q Do you know if any of your Choctaw ancestors did in fact live in that old Choctaw Nation on land for five years, and at the end of that time received a patent for the land from the government, upon which land they had lived during that time? A No sir.
Q Do you know whether any of your Choctaw ancestors claimed any land in the old Choctaw Nation under article 14 of the treaty of 1830? A No sir.
Q Do you know if any of your Choctaw ancestors went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838, at the expense of the government? A No sir.

Q Do you know whether they went at any time between the ratification of the treaty of 1830, and the date of this application made by you today? A No sir.
Q Or whether they owned any improvements on land in the old Choctaw Nation in 1830? A No sir.
Q Did any of them go before a commission appointed by act of Congress approved March 3, 1837, or before a commission appointed by act of Congress approved August 23, 1842, and claim any benefits under article 14 of the treaty of 1830? A I dont know whether they did or not.

These commissions were appointed by these various acts of Congress because of the complaints made by Choctaw Indians, who stated before these Commissions when they appeared there, that they had registered under article 14, or had attempted to do so, within the time limited in that article, but that Colonel Ward had refused to put their names on his registry list, and because of his refusal to do this these Indians lost the land which they had occupied in the old Choctaw Nation, because it was taken from them by the government and sold, together with the improvements upon it.

Q You dont know anything about whether any of your ancestors went before either of these two commissions? A No sir, I couldn't tell whether they did or not.
Q Did any of your Choctaw ancestors receive any scrip from the government, which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir, not as I ever heard anything about.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken fromthem by the government and sold.

Q Do you speak or understand the Choctaw language? A No sir, still I have been with them a good deal, but I never learned it.

30 days time is allowed this applicant in which to introduce other testimony if he desires in support of this claim.

Q Have you any other evidence that you want to present now, any proof of any kind? A No sir, not just now.
Q Any witnesses you want to call? A Not just now.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry.

Q You claim white, Indian and Negro blood, dont you? A Yes sir.

He claims to have white, Indian and Negro blood; this claim is substantiated in his personal appearance; he does not sho w one strain of blood more than another. It would be hard for the Commission to determine from his physical appearance which racial characteristic predominates. His features are regular, the features of a white man, or perhaps the features of an Indian more than the features of a colored man. His hair is black

and wavy; mustache black and straight; eyes are dark; complexion is light, but darker than the complexion of a full blood white man. He speaks like a white man, having no knowledge of the Choctaw language, and has none of the characteristics of speech of a colored man. His grandmother on his mother's side, as his mother, Sarah Patterson, testified, was a slave; she also testified that she was born in slavery, and this applicant, who is now 42 years old, was undoubtedly born before the act of emancipation as a slave, but he has no knowledge of it himself. He does not know of any compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath statesthat as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 17th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 17 day of January, 1903.

Charles H. Sawyer

Notary Public.

Dear Sir

Herewith I send copy of the Ordinance ...

the case of [illegible] ...

Yours ...

M. C. R. 6612

Muskogee, Indian Territory, August 4, 1903.

Jim Wilkerson,

Cadde, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Patterson, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Patterson, M.C.R. 6611
Jim Wilkerson, et al., M.C.R. 6612

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Patterson, Jim Wilkerson, Birdie Wilkerson, Lela Wilkerson, Tennie Wilkerson, Pearl Wilkerson, Mary Wilkerson, William Wilkerson, Sarah Wilkerson and Allie Wilkerson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Register.

M.C.R. 6612.

COPY.

Muskogee, Indian Territory, December 5, 1903.

Jim Wilkerson,

Ochio, Indian Territory.

Dear Sir:-

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior approved the decision of the Indian commission to the Five Civilized Tribes in Missionary Ghost Dance cases [illegible] and you are hereby advised that said decision will be enforced in your case.

Respectfully,

Tams Bixby.
Chairman.

C 6612

No. 6612

For Identification as a Mississippi Choctaw.

JAN 17 1903

Date

Name Jim Wilkerson,

Age 42 — Blood ~~1/2~~ 3/8

Post Office. Caddo. I. T.

Father Jim Wilkinson, d

Mother Sarah Patterson, 3/4 l.

Claims through mother

Wife. Wilkerson

Sallie ~~Wilkinson~~, l. negro.

No claim for wife,

Children			
			F
Birdie Wilkerson,			17
Lela	"	F	15
Fennie	"	F	13
Peare	"	M	12
Mary	"	F	10
William	"	M	8
Sarah	"	F.	6
Allie	"	F.	2

Claims for self and 8 minors.

Stenographer W.H. Mullin

FOR IDENTIFICATION R.
A MISSISSIPPI INDIAN

Jim Wilkerson

REFER TO M. C. R

Choctaw | MCR 6613

Winfield S. Hammond

MCR 6613

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Winfield Scott Hammond, et al., for identification as Mississippi Choctaws, M.C.R. 6613.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of Winfield Scott Hammond, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Testimony of Richard F. Hampton----------	9
Affidavit of William Bell----------	12
Affidavit of W. L. Chandler----------	13
Certified copy of the marriage record of W. S. Hammond and M. M. Davis----------	14
Decision of the Commission refusing the application of Winfield Scott Hammond, et al., for identification as Mississippi Choctaws----------	15

---o---

6313

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 19, 1903.

Richard F. Hampton, being first duly sworn, testified as a witness in the case of Winfield Scott Hammond, et al., M.C:R 6313, as follows:

Examination by the Commission:

Q What is your name? A Richard F. Hampton.
Q What is your age? A Fifty eight.
Q What is your post office address? A Atoka.
Q How long have you lived there? A Over two years.
Q Where did you live before you went to Atoka, Indian Territory? A Cairo, Illinois.
Q How long did you live there? A A couple of years.
Q Where did you live before that? A I've been in Arizona on a trip but I lived at Clay County Arkansas.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Etawomba County it was then; Tishomingo County.
Q You lived in Mississippi how lo ng? A I was born and raised there until the Civil War.
Q The Civil War was in 1861 and you were born when? A I was born in 1844.
Q Then you went where; to what state? A I went to the war.
Q And how long were you in the war? A Until the war was over.
Q Sixty five? A Yes, sir.
Q And then you settled where? A I didn't settle much any where.
Q You didn't go back to Mississippi? A Yes, sir.
Q You lived there how long then? A I stayed there until some ten or twelve years.
Q You are an applicant are you not, for identification as a Mississipoi Choctaw before the Commission? A Yes, sir.
Q And you know or do you know Winfield S. Hammond? A Yes, sir.
Q How long have you known him? A I reckon it's been about -- I've known him since he was a little baby.
Q Where did you know him? A In Mississipoi.
Q Did you know his father andmother? A Yes, sir.
Q Through which of his parents did he claim Choctaw blood?
A His father Bill Hammond was part Indian.
Q Is his father did? A I suppose so; I haven,t seen him in a long time.
Q His father lived in Mississippi did he? A Yes, sir.
Q Did he look like an Indian - his father? A Yes, sir.
Q How did he look - described him please? A Black hair; dark skin.
Q Did his father speak the Choctawlanguage? A I think so.
Q Do you know through which parent his father claimed Choctaw blood? A His father's mother was a Choctaw.
Q Did you ever see her? A Yes, lotsof times.
Q You saw his father' s wife? A Yes, sir.
Q What was her name? A I cant tell you - grandmother Hammond is all I can tell you.
Q Was that the wife of John T. Hammond? A Yes sir.
Q You knew him did you? A Yes, sir.
Q He was a white man was he? A Yes, sir.
Q You know him when - in what year - the earliestyou can recollect? A I can go back when I was about six or seven years old; that's about the first of my recollection.

Q And you were born when? A I was born in 1844.
Q Well, you can recollect back to 1850 then about John T. Hammond.
Q How old was John T. Hammond at this time? A I think he was in the eighties. He was a very old man; I think he was about ninety years old when he died.
Q And he died when? A Shortly after the Civil War.
Q Then he was a grown man in 1830? A Must have been; that's before my day.
Q Did you ever hear him say - or anybody else say that John T. Hammond used to live in Mississippi in 1830 and was married then and had a family? A Yes, sir.
Q What do you know about John T. Hammond having married an Indian wife; tell all you know about it.
A Well sir that was before I come out; I don't really know anything only that he had an Indian woman for a wife.
Q How much Indian was she? A She must have been a half blood.
Q Describe how she looked. A She was considerably darker that I am.
Q I am unable to put into the record a good description from that? A She showed what I call half blood; black eyes and black hair.
Q Long? A Yes, sir, long.
Q Straight or curly? A Straight.
Q What was the color of her eyes? A Well now I'm not sure about that; that's too long for me to remember; I think they were black too.
Q You can't remember? A That's too long for me.
Q How dark was she? A She was a good deal darker than I am.
Q You are not very dark; you favor the whites more than you do the Indians; although your features are those of an Indian your complection, while it's darker than a white man's isn't very dark.
A She showed half blood. We always considered her a half blood.
Q That was reported in the community where she lived? A Yes, sir.
Q What do you know about John T. Hammond either in behalf of his wife or his wife in her own behalf or both together having gone to Colonel William Ward and having registered or having attempted to? A I don't know of my personal observation, only I've just heard he did.
Q How did you hear that? A All the Indians tell one another everything; I heard them say so.
Q What did they say about that? A They said he got land which he received from the government.
Q Do you know where that land was? A I think it was in Yalobusha County.
Q Where in the county and how much was there? A I don't know; I've been at his house.
Q What became of that land? A I can't tell you that.
Q How long did he live there? A I suppoe he lived there until he died; I think he died in '57.
Q Was he living on it then? A No, a white man got it before that.
Q What white man got it? A I don't know.
Q How did he get it? A Sold it.
Q Have you told all you have heard in reference to his having taken land? A Yes sir I reckon so .
Q Did he taken that land for his wife? A I don't know whether he took it for his wife or himself.
Q If he was a white man he could hardly take it for himself.
A He was a white man.

Q Unless he took it because he had married a part Choctaw Indian woman. A I suppose so; I've always heard that; I suppose he did. But you know I can't know.
Q What you do know about it is hearsay? A Yes, Indian talk.
Q You yourself were born in 1844? A Yes, sir.
Q Thirteen years after the treaty of 1830 was ratified and therefore your knowledge is based upon rumour and tradition?
A Bound to be.
Q Did you ever hear John Hammond talk about it much? A He'd been to our house many times; said it was mighty bad the way the white people treated the Indians and took it from them.
Q Did you ever hear his wife? A No, she didn't come much; she was old.
Q What was John T. Hammond objecting to if he got land under article fourteen as it seems? A I don't think he got it; the white men took it from him; my understanding is that he didn't get it.
Q You think he was entitled to it from what you heard but he didn't get it? A He tried all the time but I don't think he got it.
Q Do you know whether the name of one John T. Hammond appears upon the records of the Choctaw Indians who claimed rights under article fourteen of the treaty of 1830? A No, sir, I don't; I heard Mr. Byington tell this gentleman.
Q What did he say? A He told him his name - he said my grandfather was a Choctaw - was a Mississippi Choctaw - Mr Hammond said that - he said my grandfather was John T. Hammond; then Byington told him he could get his rights easy if John T. Hammond was his grandfather.
Q Byington didn't tell him that the John T. Hammond on that record was his grandfather? A No, I think not; I didn't understand it that way.
Q Is there anything further you want to testify to?
A No, only that I know this man is the son of William Hammond, and I've known those Indians; I know he went to Indiana from Mississippi and he came back and I next met him in Arkansas; I lived there with him a long time and worked with him in Arkansas; he didn't know where I was until he came to the nation; I know he didn't know for it's been nine years since we was together before.

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Clara Mitchell Wood being duly sworn upon herooath states that she reported the proceedings in the above entitled cause on the 19th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 27th day of January 1903.

John F. Fiebeg

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 19, 1903.

In the matter of the application of Winfield Scott Hammond for the identification of himself and his three minor children Ella May, Ova and Rosina Hammond as Mississippi Choctaws.

Winfield Scott Hammond being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Winfield Scott Hammond.
Q What is your age? A Forty eight.
Q What is your post office address? A Piggot Clay County Arkansas.
Q How long have you lived there? A I've lived there fourteen years.
Q Where were you born? A I don't know exactly; my mother says I was born in Mississippi.
Q Do you know where in Mississippi? A No, I dont.
Q How long did you live in Mississippi? A I cant tell you that.
Q Where did you go to from Mississippi? A Well I went on to the Ohio River first in Indiana.
Q Went from Mississippi to Indiana? A Yes, sir.
Q Where did you live in Indiana? A We lived at Troy a while; I don't know how long; that was when I was very small.
Q Where did you go from Indiana? A Back to Arkansas.
Q Back To Arkansas; you never were in Arkansas.
A I came back to Arkansas that way.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A William Hammond.
Q What was your mother's name? A Her name was Tellitha.
Q Do you claim your Choctaw blood through your father or mother
A Through my grandfather.
Q Through your father or mother? A Father.
Q How much Choctaw blood do you claim? A I don't know exactly; I reckon an eighth. But I dont know positively.
Q You don't know how much your father had? A Well they claim he was half.
Q If your father was half you would be a quarter. A That was in dispute; I don't know positively whether he was half; anyhow he was Indian.
Q But you don't know just how much Choctaw blood he had?
A No, sir.
Q Has yourfather ever been recognised or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No, sir.
Q Do you know when and where your father and mother were married? A No, sir.
Q You haven't the proof of that marriage with you I presume?
A No, sir.
Q Were they married by a minister under a license? I presume so; I don't know.

Q Are you married? A Yes, sir.
Q What is your wife's name? A Minnie.
Q She is living is she? A Yes, sir.
Q What is her blood or nationality? A I think she's part German.
Q She's a white woman? A Yes, sir.
Q Do you make any claim for her? A No, sir.
Q Have you any children you want to make application for?
A I have three.
Q What is the name of the oldest? A Ella May.
Q How old is Ella? A She's going on eleven.
Q She's ten now A Yes, sir.
Q The next? A Eva.
Q How old is she? A She's five years old.
Q The next? A Rosina.
Q How old is she? A Eighteen months old.
Q You claim for yourself and three children do you? A Yes, sir
Q Is Minnie Hammond your wife the mother of these children?
A Yes, sir..
Q Are you and your wife living together as husband and wife and are these children living with you at your home?
A Yes, sir.
Q Have you the proof of your marriage with your wife with you now? A Not with me.
Q Can you introduce that proof? A Yes, sir.
Q Do you know when you were married and where? A Well let me see now - to give the exact dates I cant give that; we've been married thirteen years.
Q What day of the month were you married? A August 10th I believe it was.
Q Where were you married, what place? A At Piggott .
Q Were you married by a minister under a license? A Magistrate.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, sir not until this.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A No, sir.
Q Never have made any such application for your children I presume? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No, sir.
Q Do you come before the Commission at this time to identify yourself and your children as Mississippi Choctaws?
A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes, sir.
Q Do you understand that article or do you want it explained?
A I don:t know that I understand it thoroughly; I was talking with my lawyers there at home is all.
Q Who are your lawyers? A Hunter is one of them.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year; the object of the treaty was to remove the Choctaw Indians who lived in the old Choctaw Nation east

of the Mississippi river from that old Nation to the Choctaw Nation Indian territory; before this treaty was signed it became known to all the parties interested in the treaty that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation this article called article fourteen was put into the treaty of 1830; this was the article under which Mississippi Choctaws living at that time claimed their rights and under which you now make your claim; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen under which you are making your claim.

A Yes, sir.
Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty as explained and read to you? Did they claim any rights under that article? A I'm told that my grandfather did.
Q What is your grandfather's name? A John T. Hammond.
Q What was his relation to you? A My grandfather.
Q How much Choctaw blood did he have? A I don't know as he had any; he was considered a white man.
Q Did he marry an Indian woman? A Yes, sir
Q What was his wife's name? A I don't know that.
Q Well her name was Hammond I suppose after she married him?
A Yes, sir.
Q How much Choctaw blood did she have? A She was a half or a full blood; I can't say positive.
Q Well now how do you know that your grandmother whose name you don't remember and who married John T. Hammond, had any Choctaw blood at all? A Only by my mother's talk.
Q You claim through your father? A Yes, sir.
Q And he claims through whom? A John T. Hammond.
Q John T. Hammond was a white man. A Wouldn't my father be part Indian if his wife was an Indian.
Q He's either a white man or he isn't; did John T. Hammond have any Choctaw blood? A I guess not.
Q Well, how could he be part Indian if he was a white man?
(No answer)

Q Explain that if you can . A Well they claim it; it would be on his mother's side of course.
Q On whose mother's side.
A My father's.
Q You claim through your mother don't you? A Through my grandmother.
Q Well now do you know whether the name of John T. Hammond or his wife appears on any records of the Choctaw Indians as beneficiaries under article fourteen of the treaty of 1830
A I'm told so.
Q Do you know whether it is so or not? A No, sir I don't know it but it should be there according to the history my parents have given me.
Q Just tell me what you know from what you heard in the family as to your right to claim Choctaw blood.
Q What do you know about John T. Hammond's wife having Choctaw blood? A I heard my father and mother talking of the Indians and I was anxious - the way it started - to see an Indian - my mother said - you have seen them but you don't remember; you was born among the Indians - and my grandfather, my father's father married a Choctaw Indian.
Q Did you never hear her name at all? A I don't remember.
Q And you never heard how much Choctaw blood she had? A No, sir she didn't say whether she was a full blood or half.
Q Do you know whether she claimed through her father or mother or both? A No, I don't.
Q Could you tell her father's name? A No, sir.
Q Or her mother's name? A No, sir.
Q Do you know whether in 1831 and within six months after the ratification of the treaty of 1830, whether John T. Hammond went to the United States Indian agent in behalf of his wife or whether she went for herself to this agent and whether an application made by him for her or by her herself under article fourteen of the treaty of 1830 or not? Do you know anything about that? A No, sir.
Q That is what we call a compliance with the provisions of article fourteen of the treaty of 1830 - that a Choctaw Indian living in Mississippi at that time desiring to take advantage of the provisions of article fourteen went to Colonel Ward within six months after the ratification of the treaty and told him that he wanted to stay in Mississippi take land and become citizens of the states. You don't know whether any of your Choctaw ancestors did that? A I think my mother said that he owned land there.
Q Who did? A My grandfather.
Q John H. Hammond? A John H. Hammond.
Q He, himself owned land there? A Yes, sir.
Q But he was a white man; did he own that land in his own behalf or did he hold that land because of his wife's having that interest as a Choctaw Indian, and through her?
A It was through her.
Q How do you know it was; did you ever hear that your grandfather John T. Hammond occupied land in the old Choctaw Nation in Mississippi or Alabama which land belonged to his wife as a Choctaw Indian?
A Yes, sir.
Q Who told you so? A My mother.
Q How much land did he occupy; do you know? A No, sir.
Q Where was it located? A Well I've heard them say it was on some creek or other.
Q Was it in Mississippi or Alabama? A In Mississippi.
Q Did he live on it in 1830 or 1831? A I cant be positive

about that.
Q Do you know whether he lived on it five years holding it for his wife and did he at the end of five years get a patent of that land from the government under article fourteen? A I don't know.
Q Do you know whether your father or grandfather held land as agent for his wife and because of her rights as a Choctaw Indian under article fourteen of the treaty of 1830
A Yes, sir.
Q You know that as a fact do you? That's a pretty hard question; I don't know it to be so.
Q If I understand you, you know that he held land there and you think he held it for his wife as a Choctaw Indian, but do you know that for a fact or did he buy that land?
A I cant say about that.
Q Do you know of any list or record that has ever been made by the Choctaws or any of the agents of the government of beneficiaries under article fourteen of the treaty of 1830 that contained the name of John T. Hammond as a white man having an Indian wife; do you know of any such record?
A No, sir I don't.
Q Did you ever hear that his name appears upon any record or any list of the beneficiaries under article fourteen?
A Yes sir.
Q How do you know that; who told you? A It was an Indian.
Q An Indian told you? A Yes sir.
Q What did he tell you? A He told me that he remembered the name; I told him my business - what I was after.
Q How long have you lived in the Indian Territory? A I haven't lived here any length of time; I just came in.
Q You have been here two or three days? A Yes; this is my business here.
Q And an Indian told you that John T. Hammond's name appeared on the records? A Yes, sir.
Q Did you look up the records to see if his name appeared on the records? A Nom sir, I never made any attempt until this morning.
Q So you don't know whether that name appears on the records or not? A Only what the Indian told me.

The records of the Commission show, in American State Papers, Public Lands, Volume Seven, on page 631 and also on page 632 in a letter written by James Oxberry that the name John T. Hammond appears with others as entitled to certain land as Choctaw Indians; the records also further show in volume seven of theAmerican State Papers on page 639 in a list of the land claimed under the treaty of Dancing Rabbit Creek the name of one John T. Hammond who receivedland described as follows: seven eighth west half of southeast quarter, and west half noth east quarter, section sixteen, township twenty two, range one west . Also in volume seven American State Papers on page 640 in a list forwarded by George W. Martin and certified to by James Oxberry appears the name of one John T. Hammond, residence given as Tallabusha county; description of the quality of land as 1st quality and under the head of general remarks : this land is designated as sold. Also on page 662 volume seven of the American state papers public lands in a letter by T.H.Plummer to Colonel William Ward Agent of the Choctaws appears the name among other of John T. Hammond in which

letter F.E.Plummer states to Colonel Ward that said John T. Hammond and others had informed him that he had signified to Colonel Ward Indian agent his intention of remaining and becoming a citizen of the state of Mississippi within six months from the ratification of the treaty of Dancing Rabbit Creek for the purpose of holding a reservation of land under the fourteenth article of said treaty.

Q Now Mr. Hammond, as quoted to you, the above records show on the different pages of volume seven of the American State Papers, the name of one John T. Hammond; you say your grand father was named John T. Hammond and was a white man? A Yes sir, that's what I understand.
Q Do you know whether the John T. Hammond whose name appears on these various pages of the American State Papers is the John T. Hammond a white man who was your grandfather? A By hearsay is all; what my parents told me.
Q You don't know except that Henry Byington, a Choctaw lawyer told you so. A Byington is the only one that told methat he ever say any record of my grandfather's name.
Q What proof have you now to offer the Commiss on that your grandfather John T. Hammond, a white man is the identical person whose name appears upon the various pages of the American State Papers, volume seven, just quoted to you?
A Well, I have Mr. Hampton here as one witness is all I have at present; I will have to try to find the other evidence.
Q Have you any family history or tradition or any record proof of any kind showing that your grandfather John T. Hammond is the person whose name appears upon the different pages of volume seven American State Papers? A No record, no, sir.
Q No other proof at the present ti me? A No other proof at the present time.
Q Have you the copy of any deed or patent that was issued to your grandfather John T. Hammond either in his own behalf or behalf of his Indian wife by the government of the United States for land received in Mississippi under article fourteen of the treaty of 1830? A No, sir.
Q Do you know whether any of your Choctaw ancestors lived on land in the old Choctaw Nation for five years which they received under article fourteen of the treaty of 1830 and then got a patent of that land from the government? A No, sir I don't know it.
Q Did your grandfather go to Colonel William Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, and take land there for his wife? A I don't know
A I don't know; he stayed there all the same.
Q How long? A I think until he died; he died in Mississippi I think.
Q Do you know when he died? A No, I don't.
Q Was he living in 1830? A Yes, sir.
Q How long did he live after that? A I don't know.
Q Did he speak the Choctaw language? A I don,t know.
Q What do you think from what you have heard in the family?
A My mother could count in Indian as far as that's concerned.
Q I asked about John T. Hammond your grandfather? A I don't know.

Q Do you know whether his wife spoke the Choctaw language?
A I don't know.
Q Did John T. Hammond and his wife have a family of children living with him in Mississippi in 1830? A Yes, sir.
Q Do you know of any children living with him there seventy three years ago? A No, sir.
Q Did John T. Hammond and his wife or did his wife or did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory for the purpose of making a permanent home in the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application? A No, sir.
Q Never heard any of them went with the other Indians between 1833 and 1838 at the expense of the government? A Not that I know of.
Q Did any of your Choctaw ancestors go before the Commission of 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.
Q Did you ever hear whether John T. Hammond did claim rights either for himself as an intermarried Choctaw citizen or through his wife as a Choctaw by blood? A My mother said he had land and that's all I know about it.
Q Don't know whether he got any lands under either the Commission appointed in 1837 or 1842? A No, sir.

These commissions were appointed by various acts of Congress on appointed by act ofCongress approved March 3 1837 and the other by act of Congress approved August 23 1842 , and for the purpose of hearing Choctaw Indian claimants who claimed rights and benefits under article fourteen of the treaty of 1830 because they had gone to Colonel Ward as they stated, within six months after the ratification of the treaty of 1830 and had registered or attempted to register under article fourteen of the treaty but Colonel Ward refused to take their names for registration and because of his refusal to do this a good many of those Indians lost the land which they held in the old Choctaw Nation; it was taken from them by the government and sold.

Q You don't know whether any of your Choctaw ancestors John T. Hammond for his wife or himself and anybody else went before either of these commissions or not? A No, sir.
Q Didany of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip was issuedunder act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q You have no attorney have you? A No sir.

Because of the fact that this applicant has no one to represent him and because also of the fact that the name of John T. Hammond appears upon certain records in the

possession of the Commission, thirty days time will be allowed to this applicant, in which to show, if he desires to do so and is able to do so, that his grandfather John T. Hammond a white man is the identical John T. Hammond whose name appears in various places in the records of the Commission as shown in volume seven of the American State Papers, Public lands.

Q Do you speak or understand the Choctaw language? A No, sir.
Q Are there any other questions you want to ask now? A You will give me thirty days will you; I would like to have had sixty days.
Q Thirty days time is all you will be allowed; if at the end of thirty days you find it is necessary for you to have more time and make a motion for a continuance, stating the reason for that continuance, that motion will be considered by the Commission, but I am unable to state at the present timewhether you will be allowed more than thirty days.

A And I've got to prove that this John T. Hammond was my grand father, have I?
Q Well, suppose you don; in what position will you be? The Commission is unable to instruct you as to how you are to prove your case, but we suggest that you introduce testimony or proper evidence, if you can, to show that your grandfather, John T. Hammond is identical with the John T. Hammond who was a beneficiary under article fourteen of the treaty of 1830.

This applicant has the appearance and physical characteristics of being descended from white parentage; states his hair was formerly black, now considerably gray; mustache is dark brown, almost black; complection dark, eyes are brown; he does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830 further than that since coming to the Indian Territory for the purpose of making this application, he has been told by an Indian lawyer, one Henry Byington of the name of John T. Hammond being upon certain records contained in volume seven of the American State Papers; he is unable however at the present time to state that his grandfather, an Indian named John T. Hammond is the person or any one of the persons by the name of John T. Hammond appearing on the different pages of volume seven of the American State Papers as quoted.

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Clara Mitchell Wood, being first duly sworn, upon her oath states that she reported the above case and that this is a full, true and correct transcript of her stenographic notes of the proceedings had in said case on the 19th day of January 1903.

Subscribed and sworn to before me this 27th day of January 1903

John B. Fielder
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Winfield Scott Hammond, et al., for identification as Mississippi Choctaws, M.C.R. 6613.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Winfield Scott Hammond for himself and his three minor children, Ella May, Eva and Rosina Hammond, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of William (or Bill) Hammond, who is alleged to have been a Choctaw Indian, degree of blood not positively stated.

The testimony shows that there is a more remote Choctaw ancestor than the one above given, in the person of the grandmother of the principal applicant, who is alleged to have been possessed of Choctaw blood, degree thereof not positively stated, and whose surname is given as Hammond, and who is alleged to have been the wife of a white man named John T. (or H.) Hammond. As her christian name is not stated, it is impossible for the Commission to determine whether or not she was a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name John T. Hammond appears on pages 631, 632, 639, 640 and 662 of Volume VII, American State Papers, Public Lands, and also on pages 46, 47, 48, 49, 75, 245 and 319 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in various letters, lists, depositions and schedules relating to claims under the fourteenth article of the treaty of "Dancing Rabbit Creek,"

also on page 50 of said Volume I in a "Schedule of Choctaw Claimants enclosed and referred to in G. W. Martin's letter of Decem'r. 24 1834" as a childless claimant; and also on page 249 of said Volume in class A "Claims rejected" in Captain Anthony Turnbull's Company, as a childless white man with an Indian wife whose intention was proved, but who, after one year, removed voluntarily and accepted land under the nineteenth article of the treaty, and whose claim under the fourteenth article was rejected for failure to show continuous residence, but it does not appear from the evidence submitted by the several applicants herein that the John T. (or H.) Hammond, from whom they claim, is the identical John T. Hammond whose name appears in the records above cited.

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said William (or Bill) Hammond, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder, to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Winfield Scott Hammond, Ella May Hammond, Eva Hammond and Rosina

Hammond, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,
AUG 4 1903

M C R 6613

Muskogee, Indian Territory, March 10, 1903.

Lafayette Hunter,

Attorney at Law,

Piggott, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of William Bell offered in support of the application made by Greenfield Scott Hammond for the identification of himself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

M C R 6613

Muskogee, Indian Territory, March 19, 1903.

W. S. Hammond,

Piggott, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th ultimo, enclosing marriage license and certificate between W. S. Hammond and M. M. Davis; also affidavit of W. L. Chaudoin, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same have been filed and made a part of the record in this case.

Respectfully,

Chairman.

M.C.R. 6613

COPY.

Muskogee, Indian Territory, August 4, 1903.

Winfield Scott Hammond,

Piggott, Arkansas.

Dear Sir:

You are hereby advised that on the 4th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Winfield Scott Hammond, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Winfield Scott Hammond, Nila May Hammond, Eva Hammond and Rosina Hammond, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. D. Needles.
Commissioner in Charge.

Registered.

M.C.R. 6613

COPY.

Muskogee, Indian Territory, August 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Winfield Scott Hammond, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Winfield Scott Hammond, Ella May Hammond, Eva Hammond and Rosina Hammond, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 20, 1903

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Winfield Scott Hammond, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Through the Commissioner,
of Indian Affairs.
2 Enc. M.C.R. 6613.

M.C.R. 6613

COPY.

Muskogee, Indian Territory, July 23, 1904.

Winfield Scott Hammond,

Piggott, Arkansas,

Dear Sir:

You are hereby notified that on the 8th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Winfield Scott Hammond et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

M.C.R. 6615

COPY.

Muskogee, Indian Territory, July 23, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 8th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Winfield Scott Hammond et al., of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land. WASHINGTON July 1, 1904.

54351-1904.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith for your consideration the record of the Commission to the Five Civilized Tribes, in the matter of the application of Winfield Scott Hammond for himself and his three minor children, Ella May, Eva and Rosina Hammond, for identification as Mississippi Choctaws.

The testimony in this case shows that the applicants base their claim to identification on their descent from William or (Bill) Hammond, father of the principal applicant, who it is alleged was a Choctaw Indian and a resident of Mississippi in 1830. The applicants claim from a more remote ancestor than this person of the wife of John T. or (H) Hammond, a white man, but are unable to give her christian name.

The Commission rejected the applicants August 4, 1903, because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or

attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, and for the additional reason that none of the applicants have ever been enrolled as citizens of the Choctaw Nation.

The Commission found the name of John T. Hammond of their records as follows: "The name John T. Hammond appears on pages 631, 632, 639, 640, and 662, of Volume seven, American State Papers, Public Lands, and also on pages 45, 47, 48, 49, 75, 245, and 319, of Volume one, of Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States, before the Court of Claims, No. 12742, in various letters, lists, depositions and schedules relating to claims under the fourteenth article of the treaty of Dancing Rabbit Creek, also on page 50 of said volume one, in a schedule of Choctaw claimants enclosed and referred to in G. W. Martin's letter of December 24, 1834, as a childless claimant, and also on page 249 of said volume in class A, claims rejected, in Captain Anthony Turnbull's Company as a childless white man with an Indian wife, whose intention was proved, but who, after one year, removed voluntarily and accepted land under the nineteenth article of the treaty, and whose claim under the fourteenth article was rejected for failure to show continuous residence."

The records of this office have been examined with reference to the name of William or (Bill) Hammond, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of said article

and treaty.

The records above cited, given by the Commission, are found to be correct, but as it appears that the wife of this said John T. or (H) Hammond removed voluntarily and accepted land under the nineteenth article of the treaty, and whose claim under the fourteenth article was rejected for failure to show continuous residence, there is no right to identification under this alleged ancestor.

These being the facts it is the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

CTC-D

(COPY)

DEPARTMENT OF THE INTERIOR W.C.F.

WASHINGTON FHE

DL
23867-1904.

I.T.D. 5414-1904.

L.R.S.

July 8, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

August 20, 1903, you transmitted the record in the matter of the application of Winfield Scott Hammond for the identification of himself and his three minor children, Ella May, Eva and Rosina Hammond, as Mississippi Choctaws, including your decision of August 4, 1903, refusing to identify them as such.

Reporting in the matter July 1, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

M C R 6618

Muskogee, Indian Territory, July 26, 1904.

Winfield S. Hammond,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you ask what you can do to make your case all right.

In reply you are informed that on July 8, 1904, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on the 23rd instant.

The Commission now considers your case closed and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M C R 6613

Muskogee, Indian Territory, September 6, 1906.

J. H. Gernert,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Replying to your letter of August 21, 1906, you are advised that the Mississippi Choctaw application of Winfield Scott Hammond has been determined adverse to the applicant, both by the Commission to the Five Civilized Tribes and the Secretary of the Interior.

It does not appear from the records of this office that any motion for reconsideration or review of this case is now pending, and under the provisions of the Act of Congress approved April 26, 1906, the time within which such motions could be received expired June 25, 1906.

The decision of the Department of July 8, 1904, refusing the application for the identification of Winfield S. Hammond, et al., is therefore considered final.

Respectfully,

Acting Commissioner.

Q 6613

No. 6613

For Identification as a Mississippi Choctaw.

Date JAN 19 1903

Name Winfield S. Hammond

Age 48 — Blood Don't Know

Post Office, Piggott, Ark.

Father: William Hammond } d.

Mother: Tellitha " " } d.

Claims through father —

Wife,

Minnie Hammond l. w.

No claim for wife,

Children:

Ella May " 10

Eva " 5

Rosina " 18 m

Claims for self and 3 minors.

Stenographer Elsie Mitchell Wood

R. 6613

CHOCTAW

Winfield S. Hammond

REFUSED.

ACTION APPROVED BY
SECRETARY OF INTERIOR.
JUL [illegible] 1904

[illegible] DEPARTMENTAL
[illegible] ACT.
JUL 23 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED [illegible]

JUL [illegible]

REFUSED.

DECISION PREPARED

Choctaw MCR 6614

Virginia Schooler

MCR 6614

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application of Virginia Schooler, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Virginia Schooler, et al.,	M.C.R. 6614
Lillie Griffin, et al.,	M.C.R. 6615
Ada Wilson,	M.C.R. 6616
Henry Harrison, et al.,	M.C.R. 6624
Judge Womack, et al.,	M.C.R. 6625

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of Virginia Schooler, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Original application of Lillie Griffin, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	6
Original application of Ada Wilson to the Dawes Commission for identification as Mississippi Choctaws----------	10
Original application of Henry Harrison, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	14
Original application of Judge Womack, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	20

Decision of the Commission refusing the applications in the consolidated case of Virginia Schooler, et al., for identification as Mississippi Choctaws----- 26

----o----

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 19, 1903.

In the matter of the application of Virginia Schooler for the identification of herself and her four minor children, Ida, Roberta, George and Ellen Schooler as Mississippi Choctaws.

S.W.Isaac, Attorney for applicant.

Virginia Schooler being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Virgini a Schooler.
Q How old are you? A Thirty.
Q What is your post office address? A Gilmer Texas.
Q How long have you lived in Gilmer Texas? A Well I was born there.
Q All your life? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Dan Ford.
Q What is your mother's name? A Ellen Ford.
Q You claim your Choctaw blood through your mother do you not? A Yes, sir.
Q How much Choctaw blood do you claim? A I don't know sir.
Q You claim through your mother? A Yes, sir.
Q Do you know how much Choctaw blood she claimed? A Half.
Q How much would that make you if you claim through your mother, you would be half of that wouldn't you?
A Yes, sir.
Q One half of one half is one fourth or one quarter? A Yes, sir.
Q Do you claim one fourth? A Yes, sir.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in the Indian territory?
A yes sir.
Q She'sbeen before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q Is that the only application she ever made to the Dawes Commission or to any other authority? A Yes, sir.
Q And she has never been recognized as an Indian yet? A No sir
Q What was your father's blood or nationality? A He was colored.
Q He was a full blood colored man was he? A Yes, sir.
Q And your mother was what blood? Besides Choctaw blood; colored
A Yes, sir.
Q Was your father a slave at any time? A yes, sir.
Q Andyour mother? A Yes, sir.
Q She was too was she? A Yes sir.
Q Are you married now? A yes, sir.
Q What is your husband's name? A Edward Schooler.
Q Is your husband living? A Yes, sir.

Q Colored man? A Yes, sir.
Q You don't make any claim for him as a Choctaw Indian?
A No, sir.
Q You have four children? A Yes, sir.
Q What is the name of the girl? A Ida.
Q How old is Ida? A She's fourteen years old.
Q What is the name of the next one? A Roberta.
Q How old is Roberta? A Ten years old.
Q Next? A George; he's a boy. He's five years old.
Q That's a boy? A Yes, sir.
Q Now the next? A Ellen, four months old, after it's grand mother.
Q That's a girl? A Yes, sir.
Q How old is Ellen? A Four months old.
Q You claim for yourself and these four children do you?
A Yes, sir.
Q Is Edward Schooler your husband the father of these children?
A Yes, sir.
Q Are you living with your husband as husband and wife and are these children living with you at your home? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with your children? A Yes, sir.
Q You are not enrolled yet are you? A No, sir.
Q Have you ever made application for citizenship for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q You never made application before this time for yourself and children to be enrolled as Choctaw Indians? A No, sir.
Q This is your first application is it for citizenship? A Yes sir.
Q Do you come before the Commission now to identify yourself as Mississippi Choctaws making application for yourself and children under article fourteen of the treaty of 1830?
A Yes, sir.
Q Do you understand that article - do you understand what it means or don't you? A No sir.

The treaty of 1830 was a treaty that was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year 1830; the object of this treaty that was made between the government and the Choctaw Indians was to remove all of the Choctaws from that old Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months

from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section-al lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands in-tending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty?
A No, sir.
Q What is the name of your ancestor that you claim your right to be identified through now? A Kittie Harris. And my great grandfather was Gibson, and Caroline Gibson.
Q Caroline Gibson? A Yes, sir.
Q You mentioned Kittie Harris; who is she? A That's my grandmother.
Q Was she the daughter of Caroline Gibson? A Yes sir.
Q This was your grandmother? A Yes sir Kittie Harris was my grandmother.
Q This is your great grandmother? A Caroline Gibson is my great grandmother.
Q What was Caroline Gibson's husband's name? A Gibson; I don't remember his given name.
Q What was her maiden name? A I don't know sir.
Q Was Kittie Harris her daughter? A Yes sir.
Q DidCaroline Gibson your great grandmother live in Mississippi in 1830 and have a family there then? A Yes sir.
Q Did she always live in Mississippi? A Yes, sir.
Q Was she born in the state of Mississippi - Caroline Gibson?
A I don't know whether she was or not.
Q Did she die in Mississippi? A Caroline Gibson.
Q Yes? A I don't know sir.
Q Did you ever see her yourself? A No sir.
Q Is all you know about this what your mother told you? A Yes, sir.
Q What your mother and grandmother told you? A Yes sir.
Q You claim through your mother and you claim she was one half Choctaw; whom did she claim through or did she claim through both parents? A She claimed through her mother.
Q Her name - was Kittie Harris ? A Yes, sir.
Q What was Kittie Harris 's husband's name? A I forget his name because he died before I knew anything about it.
Q Now Kittie Harris claimed through her motherCaroline Gibson?
A Yes, sir.
Q Did Caroline Gibson's husband have any Choctaw blood? A Yes sir I suppose so.
Q Do you know he did? A No, sir I heard he did. Mamma said he did; I think she said he did.
Q Do you claim through him too? A I claim through grandma and him to.
Q You claim through both do you? A Yes, sir.

By Mr. Isaacs Attorney for applicant.

She claims through her grandmother's parents.
Q You don't claim through your great grandfather and grand mother both? A Yes sir.
Q Your great grandmother is Caroline Gibson and her husband (you don't remember his name)-- you claim he had some Choctaw blood? A Yes sir.
Q Do you know how much Choctaw blood your great grandfather Gibson had? A No sir I don't.
Q Do you know how much Choctaw blood your great grandmother Caroline Gibson had? A No sir.
Q Did you say they lived in Mississippi in 1830 and had a family there then? A Yes, sir.
Q Did they or either of them go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and attempt to register under article fourteen of the treaty of 1830? A I don't know sir.
Q Did either of them live on land in Mississippi or Alabama in the old Choctaw Nation for five years and at the end of that time get a patent to that land from the government?
A No sir I don' know.
Q Did either of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A No sir not that I know of.
Q Did either of them or any Choctaw ancestors of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home or permanent residence in the Choctaw Nation Indian Territory? A No sir.
Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830 or 1831?
A I don't know sir.
Q Did you ever hear that any of them went from the old Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 for the purpose of making a home in the Choctaw Nation Indian Territory? A No sir.
Q Did any of your Choctaw ancestors either your great grand father 's side or your great grandmother's side go before the Commission of 1837 or the Commission of 1842 and claim any benefits under article fourteen of the treaty of 1830
A I don't know sir.

These commissions were appointed by various acts of Congress to hear the complaints of Indians who claimed that they had gone to Ward within six months from the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but that he had refused to allow them to register and because of his refusal the government had taken the land from them and sold it.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No, sir.

V Scholar 5

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you speak or understand the Choctaw language? A No sir.
Q Was your great grandfather Gibson a full blood Choctaw Indian
A I dont know sir.
Q Was your great grandmother Caroline a full blood Choctaw Indain? A That's what mamma said; she said grandpa was too, an Indian.
Q How old would either this man Gibson or his wife Caroline be if living now? A I dont know sir.

To Mr. Isaacs Attorney for applicant: Any questions Mr. Isaac
A I believe not.

Fifteen days time is allowed from the date hereof in which to introduce other proof if so desired in support of this application.

This applicant has the appearance and physical characteristics of being a full blood negro; does not understand or speak the Choctaw language; has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q Is Ellen Ford your mother? A Yes sir.

This case of Virginia Scholar is consolidated with the case of Ellen Ford N.C.R. 6365.

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Clara Mitchell Wood being duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 19th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 27th day of January 1903.

John R. Sieber

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO T ; FIVE CIVILIZED TRIBES.

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In the matter of the application of Virginia Schooler, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Virginia Schooler, et al.,	M.C.R. 6614
Lillie Griffin, et al.,	M.C.R. 6615
Ada Wilson,	M.C.R. 6616
Henry Harrison, et al.,	M.C.R. 6624
Judge Womack, et al.,	M.C.R. 6625

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Virginia Schooler for herself and her four minor children, Ida, Roberta, George and Ellen Schooler; by Lillie Griffin for herself and her three minor children, Minnie, Frank and Zarah Griffin; by Ada Wilson for herself; by Henry Harrison for himself and his minor child, Henry Harrison, Jr; and by Judge Womack for himself and his three minor children, Katie, Bertha and Essie Womack, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Caroline Gibson, who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It appears from the evidence submitted by the applicants herein that they claim from another ancestor contemporaneous with Caroline Gibson, whose surname they allege was Gibson, the great-grand-father of principal applicant, and is said to have been possessed of Choctaw blood, degree thereof not stated; also from a less remote Choctaw ancestor than the said Caroline Gibson, whose surname is variously given as Duncan, Harrison (or Harris) and Gibson, who is alleged to have been the grand-father of principal applicant, and to have been possessed of Choctaw blood, degree thereof not stated; but as they are only able to give the surnames of these ancestors it is, therefore, impossible for the Commission to determine whether or not said ancestors were beneficiaries under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or

admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Caroline Gibson, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Virginia Schooler, Ida Schooler, Roberta Schooler, George Schooler, Ellen Schooler, Lillie Griffin, Minnie Griffin, Frank Griffin, Zarah Griffin, Ada Wilson, Henry Harrison, Henry Harrison Jr., Judge Womack, Katie Womack, Bertha Womack and Essie Womack, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such

be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Stanley.
COMMISSIONER.

gee, Indian Territory,

AUG 1903

M.C.R. 6614.

COPY.

Muskogee, Indian Territory, August 1, 1903.

Virginia Schooler,

Gilmer, Texas.

Dear Madam:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Virginia Schooler, et al., embracing the following applications for identification as Mississippi Choctaws:

Virginia Schooler, et al.,	M.C.R. 6614
Lillie Griffin, et al.,	M.C.R. 6615
Ada Wilson,	M.C.R. 6616
Henry Harrison, et al.,	M.C.R. 6624
Judge Womack, et al.,	M.C.R. 6625.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Virginia Schooler, Ida Schooler, Roberta Schooler, George Schooler, Ellen Schooler, Lillie Griffin, Minnie Griffin, Frank Griffin, Zarah Griffin, Ada Wilson, Henry Harrison, Henry Harrison Jr., Judge Womack, Katie Womack, Bertha Womack and Hesie Womack, as Choctaw

Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty,and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

M.C.R. 6614

COPY.

Muskogee, Indian Territory, August 1, 1903.

S. W. Isaac,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission tothe Five Civilized Tribes rendered a decision in the consolidated case of Virginia Schooler, et al., embracing the following applications for identification as Mississippi Choctaws:

Virginia Schooler, et al.,	M.C.R. 6614
Lillie Griffin, et al.,	M.C.R. 6615
Ada Wilson,	M.C.R. 6616
Henry Harrison, et al.,	M.C.R. 6624
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These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

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Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Virginia Schooler, Ida Schooler, Roberta Schooler, George Schooler, Ellen Schooler, Lillie Griffin, Minnie Griffin, Frank Griffin, Zarah Griffin, Ada Wilson, Henry Harrison, Henry Harrison Jr., Judge Womack, Katie Womack, Bertha Womack and Essie Womack as Choctaw Indians entitled to rights in the Choctaw lands under the provis-

S.W.I. 2.

ions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

COPY. M.C.R. 6614.

Muskogee, Indian Territory, August 1, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Virginia Schooler, et al., embracing the following applications for identification as Mississippi Choctaws:

Virginia Schooler, et al.,	M.C.R. 6614
Lillie Griffin, et al.,	M.C.R. 6615
Ada Wilson,	M.C.R. 6616
Henry Harrison, et al.,	M.C.R. 6624
Judge Womack, et al.,	M.C.R. 6625.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Virginia Schooler, Ida Schooler, Roberta Schooler, George Schooler, Ellen Schooler, Lillie Griffin, Minnie Griffin, Frank Griffin, Zarah Griffin, Ada Wilson, Henry Harrison, Henry Harrison Jr., Judge Womack, Katie Womack, Bertha Womack and Essie Womack, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Virginia Schooler, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 1, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Virginia Schooler, et al.,	M C R 6614
Millie Griffin, et al.,	M C R 6615
Ada Wilson,	M C R 6616
Henry Harrison, et al.,	M C R 6624
Judge Womack, et al.,	M C R 6625

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully

Commissioner in Char

Through the

Commissioner of Indian Affairs.

2 enclosures M C R 6614

COPY

Refer in reply to the following:
Land.
53565-1904

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, June 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the records of the Commission to the Five Civilized Tribes, in the matter of a consolidated application for identification as Mississippi Choctaws, of the following parties, to wit: Virginia Schooler for herself and her four minor children, Ida, Roberta, George and Ellen Schooler, by Lillie Griffian for herself and her three minor children, Minnie, Frank and Zarah Griffian, by Ada Wilson for herself, by Henry Harrison for himself and his minor child, Henry Harrison, Jr., and by Judge Womack for himself and his three minor children, Kattie, Bertha and Essie Womack, wherein a decision adverse to the applicants was rendered by the Commission August first, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from one whose surname was Gibson, the alleged great grandfather of the principal applicant, who is said to have been possessed of Choctaw blood. The applicants are unable to give the given name of this ancestor, and Caroline Gibson, mother of Kittie Harris, who was the mother of Hellen Forbes, who was the mother of Virginia Schooler, the principal applicant, it being claimed that Caroline Gibson and

Kittie Harris were Choctaw Indians and resided in Mississippi at the time of the making of the Choctaw treaty in 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, and for the additional reason that none of the applicants have ever been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made in reference to the alleged ancestors above cited, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of said article and treaty, neither does it appear that they applied to either of the commissions appointed under acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

These being the facts, this office is of the opinion that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very respectfully,

A. C. Tonner,

CTC-D

Acting Commissioner.

J.W.H.

D.C. # 28657. C O P Y

D E P A R T M E N T O F T H E I N T E R I O R,
W a s h i n g t o n.

I.T.D. 5394-1904. FHE

August 8, 1904.

L R S

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 17, 1903, you trahsmitted the record in the consolidated Mississippi Choctaw case of Virginia Schooler, et al (M.C.R.6614), including your decision of August 1, 1903, refusing to identify the applicants as Mississippi Choctaws.

Reporting in the matter June 30, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 6614

COPY.

Muskogee, Indian Territory, August 27, 1904.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 8th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Virginia Schooler, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

SIGNED

Chairman.

M.C.R. 6614

Muskogee, Indian Territory, August 27, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 8th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Virginia Schooler, et al., of which decision you were advised by mail on the 1st day of August, 1903.

Respectfully,

Chairman.

41 C.O.B.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
M.C.R. 6614

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 27, 1904.

Virginia Schooler,

Elsey, Missouri,

Dear Madam:

You are hereby notified that on the 8th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Virginia Schooler, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

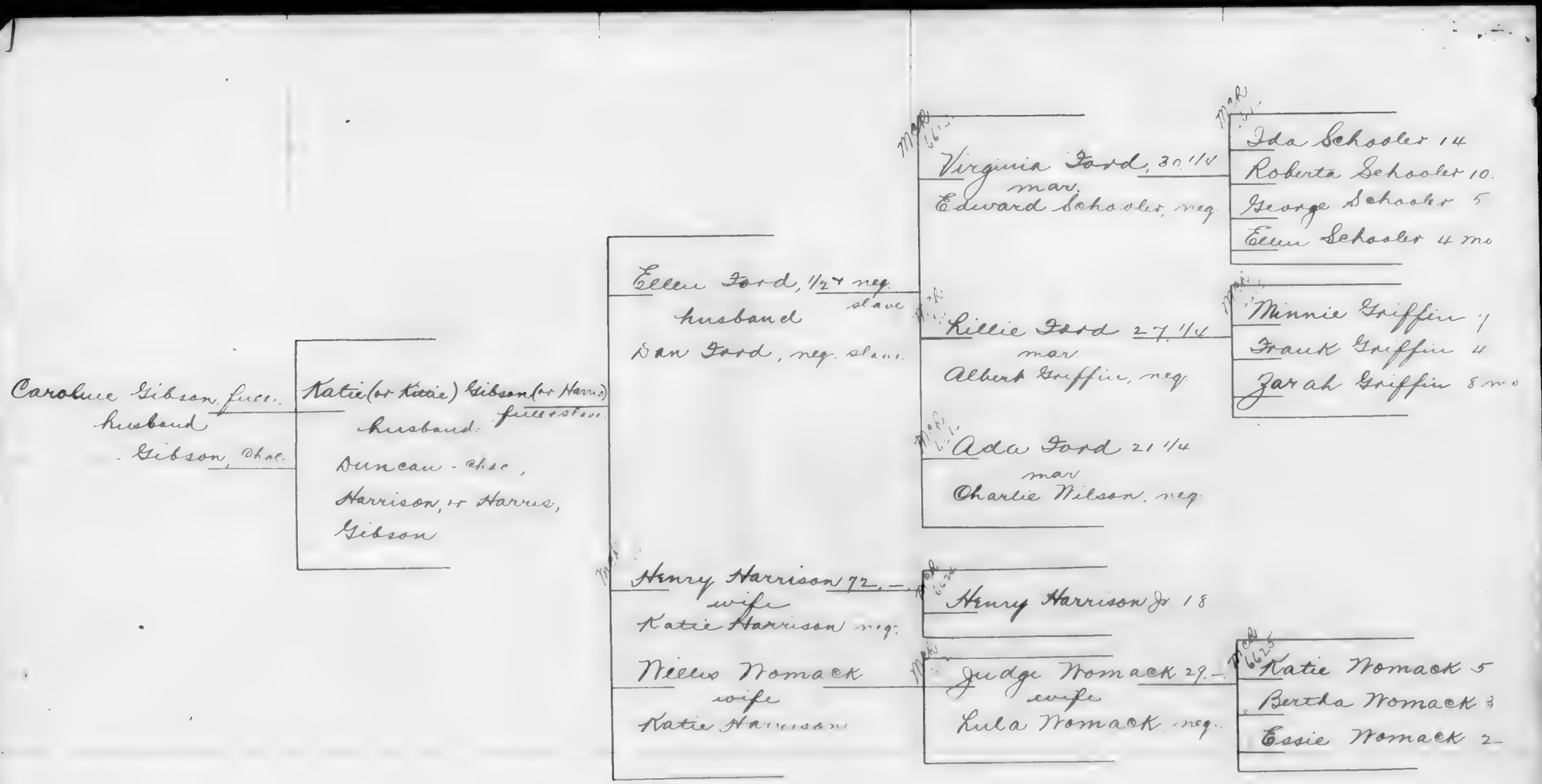
Respectfully,

Chairman.

N. FREEDMEN ROLL.

THER	FATHER'S TRIBAL ENROLLMENT			FATHER'S OWNER	NAME OF MOTHER	
	YEAR	COUNTY	No.			
				Consolidated Co.	Virginia Scholter	REFER TO M. C. R. 4114

Supplemental to
Creek Card 3444
M & R 6365


Caroline Gibson, fusc.
husband
Gibson, dhsc.
Katie (or Kattie) Gibson (or Harris) fusc. 55
husband
Duncan - dhsc,
Harrison, or Harris,
Gibson
Ellen Ford, 1/2 + neg. slave
husband
Dan Ford, neg. slave.
Henry Harrison 72 —
wife
Katie Harrison neg.
Willis Womack
wife
Katie Harrison
Virginia Ford, 30 1/4
mar.
Edward Schooler, neg.
Ida Schooler 14
Roberta Schooler 10.
George Schooler 5
Ellen Schooler 4 mo
Rillie Ford 27 1/4
mar
Albert Griffin, neg.
Minnie Griffin 7
Frank Griffin 4
Zarah Griffin 8 mo
Ada Ford 21 1/4
mar
Charlie Wilson, neg.
Henry Harrison Jr 18
Judge Womack 29 —
wife
Lula Womack neg.
Katie Womack 5
Bertha Womack 3
Essie Womack 2 —

No. 5514

For Identification as a Mississippi Choctaw.

Date JAN 19 1903

Name Virginia Schooler

Age 30 — Blood, 1/4

Post Office. Gilmer. Texas.

Father: Dan Ford. neg. } l.

Mother: Ellen Ford. } l.

Claims through Mother. 1/2

Husband

Edward Schooler. l. neg.

No claim for husband

Children.

Ida Schooler		14
Roberta	"	10
Georgie	"	5
Ellen	"	4 m.

Claims for self and 4 minors

Stenographer Clara Mitchell Wood



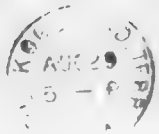
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 2

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





General Office, M. C. R.
6414

Rec'd to Work

[illegible] Cooler,

[illegible].

R.6

Virginia Schooler. et

ACTION APPROVED BY
SECRETARY OF INTERIOR.
1904
1904

NOTICE OF DEPARTMENT ACTION
FORWARDED ATTORNEY FOR APPLICANT

6615-6616-6624-6625

98.03. P.O. Rec'

Choctaw MCR 6615

Lillie Griffin

MCR 6615

6615.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 19, 1903.

In the matter of the application of Lillie Griffin for the identification of herself and her three minor children, Minnie, Frank and Zarah Griffin as Mississippi Choctaws.

C. T. Isaac Attorney for applicant
Lillie Griffin being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lillie Griffin.
Q What is your age? A Twenty seven.
Q What is your post office address? A Gilmer.
Q Texas? A Yes, sir.
Q How long have you lived there? A All my life.
Q Were you born there? A Yes, sir.
Q Were you born near Gilmer? A Yes, sir..
Q Is your father living? A Yes, sir.
Q Is your mother? A Yes, sir.
Q What is your father's name? A Dan Ford.
Q Your mother's name is Ellen Ford? A Yes, sir.
Q Ellen Ford has been before the Commission to be identified as a Mississippi Choctaw.
A Yes, sir.
Q Do you want to have your case and hers consolidated? A Yes, sir.

The case of Ellen Ford M.C.R. 6365 being the application of the mother of this applicant is here referred to for the purpose of consolidation.

Q Do you claim through your mother alone? A Yes, sir.
Q How much Choctaw blood do you claim to have? A I don't know sir.
Q What were you going to say? A One fourth I think.
Q Do you claim your mother was one halfChoctaw Indian?
A Yes, sir.
Q Has your mother ever been recognizedor enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No, sir.
Q The only application she ever made was the one she made at Muskogee before the Commission November 3, 1902 for identification as a Mississippi Choctaw is it? A Yes, sir.
Q Your father was a slave was he at one time - Dan Ford? A Yes sir.
Q And your mother also? A Yes, sir.
Q They were both liberated at the time of the act of emancipation I presume? A Yes, sir.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.

Q What is he , an Indian or what? A Colored.
Q What is his name? A Albert Griffin.
Q You don't make any claim for him then? A No, sir.
Q How many children have you you want to make application for?
A Three.
Q What is the name of the oldest one? A Minnie.
Q How old is Minnie. A She's seven years old .
Q What is the name of the next one? A Frank.
Q How old is Frank? A Four years old.
Q What is the name o f the next child? A Zarah.
Q That's a girl? A That's a boy.
Q How old is Zarah. A He's eight months old.
Q You claim for yourself and these children do you?
A Yes, sir.
Q Is Albert Griffin your husband the father of these children?
A Yes, sir.
Q Are you andyour husband living together as husband and wife and these children living with you at your home? A Yes, sir.
Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.
Q Have you or your children any of you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No, sir..
Q Have you or any of your children ever made application to be enrolled as members of the Choctaw tribe of Indians wither to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q None of youhave been admitted or enrolled as Choctaw Indians up to the present time? A No, sir.
Q Do you now come beforethe Commission to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year 1830; the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty; the treaty was then signed and afterwards became ratified. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section

of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitld to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or aportion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with article fourteen of that treaty - do you know? A No sirnot that I know of.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Ellen Ford.
Q Wh do you claim through - going back to an ancestor who lived in Mississippi in 1830? A Caroline Gibson.
Q Do you claim through her husband too - Caroline Gibson's husband; did he have any Choctaw blood? A Yes sir mamma said he did.
Q What was his full name? A Gibson is all I know of.
Q How much Choctaw blood didCaroline have? A Mamma said she was a whole.
Q How much Choctaw blood did her husband have? A I don't know sir.
Q Did they live in Mississippi in 1830 and have a family there then? A Yes, sir.
Q Did they or either of them go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and attempt to register under article fourteen of that treaty? A I don't know.
Q Did any of your Choctaw ancestors live on land in the old C Choctaw Nat on eitherin Mississippi or Alabama for five years and at the end of that time receive a patent or deedof that land from the government under article fourteen of the treaty of 1830? A No, sir, not as I know of.
Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A No, sir, not as I know of.
Q Did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you to day? Did you ever hear they did? A No sir not that I know of.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between 1833 and 1838 or forty?
Q I dontknow.
Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830 or 1831? A No sir not that I know of.

In 1837 by act of Congress approved March 3rd of that year and also in 1842 by act of Congressapproved August 23rd of

that year commissions were appointed to hear Choctaw Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty but that Colonel Ward had refused to allow them to register and because of his refusal their land which they had occupiedin the old Choctaw Nation had been taken from them by the government together with the improvements thereon and sold.

Q Did any of your Choctaw ancestors go before either of these two commissions and claim any rights under that article of that treaty; do you know? A No, sir I don't know.
Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi AlabamaLouisiana or Arkansas? A No sir.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you spekak the Choctaw language or understand it?
A No, sir.
Q Is Virginia Schooler your sister? A Yes, sir.
Q You are both full sisters and your mother is Ellen Ford?
A Yes, sir.
Q You want to have your cases considered together?
A Yes sir.
Q Have you any other evidence or proof you want to present now? A No sir.

To Mr. Isaac, Attorney for applicant: Any questions mr. Isaac.

By mr. Isaac:

Q What is your father's name? A Dan Ford.
Q He was a full blood negro was he? A Yes sir.
Q You stated your mother was a slave ; do you know how she come to be a slave? A No, sir.
Q Did you ever get the impression as to whether she was stolen into slavery? A Yes, sir.
Q Was she once free at one time in her life up to the time she was supposed to be stolen into slavery? A I dont know sir.

--O--

This applicant has the appearance of being a full blood negro does not understand the Choctawlanguage and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 19th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings had in said case on said date.

Subscribed and sworn to before me this 28th dy of January 1903.

Charles McLaurin Notary Public

M.C.R. 6615.

COPY.

Muskogee, Indian Territory, August 1, 1903.

Lillie Griffin,

Gilmer, Texas.

Dear Madam:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Virginia Schooler, et al., embracing the following applications for identification as Mississippi Choctaws:

Virginia Schooler, et al.,	M.C.R. 6614.
Lillie Griffin, et al.,	M.C.R. 6615
Ada Wilson,	M.C.R. 6616
Henry Harrison, et al.,	M.C.R. 6624
Judge Womack, et al.,	M.C.R. 6625.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Virginia Schooler, Ida Schooler, Roberta Schooler, George Schooler, Ellen Schooler, Lillie Griffin, Minnie Griffin, Frank Griffin, Sarah Griffin, Ada Wilson, Henry Harrison, Henry Harrison Jr., Judge Womack, Katie Womack, Bertha Womack and Essie Womack, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

L. G. ----2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of that time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Necâlee.
Commissioner in Charge.

Registered.

M.C.R. 6615

Muskogee, Indian Territory, August 27, 1904.

Lillie Griffin,

Gilmer, Texas,

Dear Madam:

You are hereby notified that on the 8th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Virginia Schooler, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

Tams Bixby

Chairman.

No. 617

For Identification as a Mississippi Choctaw.

Date JAN 19 1903

Name Lillie Griffin

Age 27. Blood 1/4

Post Office. Gilmer, Texas.

Father: Dan Ford. l. d.

Mother: Ellen Ford. l. d.

Claims through Mother 1/2

Husband.

Albert Griffin l. neg.

No claim for husband

Children:

Minnie Griffin 7

Frank " M. 4

Zarah " M. 8 m.

Claims for self and 3 minors

Stenographer Clara Mitchell Woods

R.

Lillie Griffin

Choctaw MCR 6616

Ada Wilson

MCR 6616

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 19, 1903.

In the matter of the application of Ada Wilson for identification as a Mississippi Choctaw.

G.W.Isaac Attorney for applicant.

Ada Wilson being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ada Wilson.
Q What is your age? A Twenty one.
Q What is your post office address? A Lafayette.
Q What state? A Texas.
Q How long have you lived there? A I lived there a little over a year.
Q Where did you live before that? A Gilmer.
Q How long did you live in Gilmer. A I was raised there.
Q That's in the state of Texas? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living. A Yes, sir.
Q What is your father's name? A Dan Ford.
Q What is your mother's name? A Ellen Ford.
Q You claim through yourmother do you? A Yes, sir.
Q How much Choctaw blood do you claim? A One fourth I guess; my mother's half; my mother she was half.
Q Was your mother ever been recognized in any way or enrolled in the Indian Territory? A No sir.
Q Now Dan Ford your fatherwas born in slavery was he?
A Yes, sir.
Q And was your mother also? A Both of them were slaves.
Q And both were liberated at the time of the act of emancipation? A Yes, sir..
Q Are you married? A Yes, sir.
Q What is your husband's name? A Charlie Wilson.
Q Is he living? A Yes, sir.
Q What is he - Choctaw,Indian? A No sir colored man.
Q Do you make any claim for your husband? A No sir.
Q Have you any children? A No sir.
Q Claim for yourself alone do you? A Yessir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territy
A No sir.
Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896? A No sir
Q Are you sure about that? A Yes sir.
Q Are you sure you never made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir I know I never did.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under act or Congress of June 10, 1896.

A No sir.
Q Do you come before the Commission now to identify you self as a Mississippi Choctaw? A Yes sir.
Q Do you know what the word "identify" means? A No sir.
Q Well you come before the Commission to put in a claim as a Mississippi Choctaw Indian do you? A Yes sir.
Q Do you make this claim under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A No sir.
Q Do you know what a treaty is? A No sir.
Q Do you know what an agreement is? A I don't know sir; I dont know what it is.
Q What do you think it is? A I dont know.
Q When two persons or more agree to do certain things. A Yes sir.
Q Did you ever hear that an agreemnt was put in writing and signed by different people where they put their names on a piece of paper and agree to do a certain thing? A Yes, I've heard about people agreeing about things.

A treaty is an agreement in writing made between nations; such an agreement was made in 1830 at Dancing Rabbit Creek in Mississippi; this treaty made at that time was ratified on the 24th day of February 1831; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Choctaw Indians who preferred to stay back in the old Choctaw Nation article fourteen was put into the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half the quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten yearsof age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvementof the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw anntity?

Q Do you know if any of your Choctaw ancestors complied with article fourteen of that treaty? A I don't know sir.
Q What's an ancestor - do you know? A Yes sir.
Q What is an ancestor? A Grandmother and grandfathers.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
A Gibson. Is my great grandfather and Caroline Gibson is my great grandmother. And Kittie Harris is my grandmother.

Q What was your great grandfather 's full name, do you know?
A No sir .
Q How much Choctaw blood did Caroline Gibson have? A I think she was whole.
Q How much Choctaw blood did her husband Gibson have?
A I don't know sir..
Q Did they live in Mississippi or Alabama in 1830 and have a family there then? A They lived in Mississippi then.
Q Did either of them or both of them go to the United States Indian agent within six months after the ratification of the treaty of 1830 and try to register under article fourteen of that treaty. A I don't know sir.
Q Did any of your Choctaw ancestors live on land inthe old Choctaw Nation five years after the treaty of 1830 was ratified and at the end of that time time didthey get a patent from the government for it? A I dont know sir.
Q Did any of your Choctaw ancestors claim any landin the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know .
Q Didany of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know sir whether they didor not..

Q Or any time between the ratification of the treaty of 1830 and the date of this application made by you today?
A I dont know.
Q Did any of your Choctawancestors own any improvements on landin the old Choctaw Nation in 1830 or 1830? A I dont know sir.

In 1837 and in 1842 by various acts of Congress commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; these commissions were appointed because a good many ChoctawIndians claimed that they had gone to Colonel Ward within six months after the ratification of the treaty of 1830 and had attempted to register under article fourteen but he refused to register their names. And because of this refusal, land on which they had improvements and which they occupied was taken from them by the government and sold .

Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits under article fourteen of the treaty of 1830? A I dont know sir.
Q Did any of them receive any scrip from the go vernment which entitled them to select land in Mississippi Alabama Louisiana or Arkansas.

This scrip was issued under act of Congress of August 23 1842.

Q Do you speak or understand the Choctaw language? A No sir
Q Is there anything more you want to say? A No sir.

Q Are you a daughter of Ellen Ford. A Yes sir.
Q She has been before the Commission to be identified as a Mississippi Choctaw has she? A Yes sir.
Q You want to have your case considered with hers? A Yessir.

Ada Wilson 4

The case of Ellen Ford M.C.R. 6365 is here referred to for the purpose of consolidation.

To Mr. Isaac Attorney for applicant: Any questions Judge?

A No.

This applicant has the appearance and physical characteristics of being descended from negro parentage; does not understand the Choctaw language, and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---O---

Clara Mitchell Woodbeing first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notesof said proceedings on said date.

Clara Mitchell Woodward

Subscribed and sworn to before me this 28th day of January 1903

Charles W. Sawyer

Notary Public.

M.C.R.6616

COPY.

Muskogee, Indian Territory, August 1, 1903.

Ada Wilson, Enrolled - Elect. Mic. Oct 24 1903.

Lafayette, Texas.

Dear Madam:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Virginia Schooler, et al., embracing the following applications for identification as Mississippi Choctaws:

Virginia Schooler, et al.,	M.C.R. 6614
Lillie Griffin, et al.,	M.C.R. 6615
Ada Wilson,	M.C.R. 6616
Henry Harrison, et al.,	M.C.R. 6624
Judge Womack, et al.,	M.C.R. 6625.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Virginia Schooler, Ida Schooler, Roberta Schooler, George Schooler, Ellen Schooler, Lillie Griffin, Minnie Griffin, Frank Griffin, Zarah Griffin, Ada Wilson, Henry Harrison, Henry Harrison [illegible], Judge Womack, Katie Womack, Bertha Womack and [illegible] Womack, as Choctaw Indians entitled to rights in the Choctaw lands under the pro-

visions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

U.S.C.R.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
M,C.R. 6618

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 27, 1904.

Ada Wilson,

Elsey, Missouri,

Dear Madam:

You are hereby notified that on the 8th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Virginia Schooler, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

Chairman.

d

No. 16

For Identification as a Mississippi Choctaw.

Date JAN 19 1903

Name Ada Wilson

Age 21 Blood 1/4

Post Office, Lafayette, Texas

Father Dan Ford — x l.

Mother Ellen " x l.

Claims through mother 1/2

Husband

Charlie Wilson l. neg

No claim for husband

Children.

Claims for self alone

Stenographer Clara Mitchell Woods



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 26 1904

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

General Office
8/16/16
Ref to Wilcox

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Ada ~~Wilcox~~,

~~Elcor, Missouri~~.

FOR U.S. NATIONAL
A MISSISSIPPI RIVER

Ada Wilson

ACTION APPROVED BY
SECRETARY OF INTERIOR.

Choctaw MCR 6617

Mary F. Neal

MCR 6617

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 21, 1903.

In the matter of the application of Mary Frances Neal for identification as a Mississippi Choctaw.

Mary Frances Neal being first duly sworn testified as follows

Examination by the Commission:

Q What is your name? A Mary Frances Neal.
Q What is your age? A Twenty five.
Q What is your post office address? A Center.
Q Indian Territory? A Indian Territory.
Q How long have you lived at Center? A I don't remember.
Q Can you give an idea how long; I dont care exactly; ten years or two months? A About three months.
Q Where did you live before that? A I livedin Arkansas.
Q Were you born in Arkansas? A No sir.
Q Where were you born? A In Mississippi.
Q Do you know where in Mississippi you were born - what place?
A No sir.
Q Do you know how long you lived in Mississippi? A No sir I don't know how long.
Q But you went from Mississippi to Arkansas? A To Texas.
Q And from Texas where? A To Arkansas.
Q And from Arkansas to Center Indian Territory? A Yes sir.
Q You live with your father? A Yes sir.
Q Your father is living now? A Yes sir.
Q And your mother? A Yes sir.
Q What is your father's name? A William Calvin Neal.
Q What is your mother's name? A Sarah Elizabeth Neal.
Q Do you claim your Choctaw blood through your father?
A Yes sir.
Q How much do you claim? A One eighth.
Q Is your father one fourth Choctaw ? (No answer)
Q How much Choctaw blood do you claim your father has (No answer)
Q When your father made application July 19, 1902 he gave one eighth as the quantity of Choctaw blod which he claimed; now do you know whether thatwas right or not? A I dont know sir.
Q You couldn't have one eighth if' he's one eighth. A One eighth then.
Q No you couldn't have one eighth if he's one eighth - you would be one sixteenth; you claim one sixteenth? A Yes sir.
Q Has your father ever been recognizedor enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory; he has not has he ; he never has been recognized or enrolled as a Choctaw Indian has he? A Yes sir I reckon so.
Q He made application to be identified as a Mississippi Choctaw before the Commission July 19th; is that what you mean?
A Yes sir.

Q You dont know that he ever made any other application do you?
A No sir I dont know.
Q Do you know when you father was married and where?
A No sir I dont know anything about that.
Q You haven't the proof o f his married with you? A No sir.
Q You are not married yourself? A No sir.
Q And you make applic ation just for yourself alone?
A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir/
Q Have you ever made application for citizenship in the Choc taw Nation to the Choctaw tribal authorities in the Indian Territory.
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the five civilized tribes under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choc taw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830 or dont you understand it - that article ;did you ever hear of the treaty of 1830? A No sir.
Q You dont know anything about article fourteen of that treaty?
A No sir I don't know anything aboutarticle fourteen of that treaty? A No sir I dont know anything about it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; a treaty is a compact in writing made between nations and an article in a treaty is one of its sub divisions; this treaty of 1830 before it was signed had inserted an article called article fourteen; which was put into the treaty for the special benefit and protection of Mississippi Choctaw Indians who preferred to stay back in the old Choctaw Nation. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands

intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty.
A No sir I dont know.
Q What is the name of your ancestor through whom you claim your right to be identified now as a Mississippi Choctaw; who do you claim through? A My grandmother.
Q What was her name? A Lindsey.
Q Do you know how that's spelled? A No sir.
Q Was that the full name? A I dont know sir.
Q This you say was your grandmother was it? A My grandmother's Neal.
Q Who was this Lindsey? A I thought you was speaking about before she was married.
Q Who is Lindsey - was it the maiden name of your grandmother
A No sir it was her surname. I dont know nothing about my grandmother; I was small.
Q Well was she your father's mother? A Yes, sir.
Q You dont know what her christian name was? A No sir I dont know much about it.
Q Do you know what her husband's name was? A No sir; Neal was his name.
Q Do you know what his full name was.
Q This grandmother whose maiden name was Lindsey married a man named Neal? A She married a Neal.
Q Do you know anything about your great grandfather and grandmother? A No sir.
Q You dont know anything further back than your grandfather and grandmother? A I hardly know them.
Q Your father when he testified before the Commission July 19 1902 gave his father name as Stephen P. Neal; did you ever hear your grandfather called by that name? A I heard my father speak of him.
Q Stephen P. Neal was your grandfather? A Yes sir.
Q And do you know whether Stephen P. Neal's wife name was Sarah Neal. A Yes sir.
Q That woman's married name was it? A Yes sir.
Q And was she a Lindsey before she married Stephen P. Neal?
A Yes sir.
Q Can you go back any further than your grand mother Sarah Neal whose maiden name was Lindsey? A No sir.
Q Now how much Choctaw blood if you know did Sarah Neal have?
A I dont know.
Q Did she have any? A Yes sir I think so.
Q Did her husband Stephen P. Neal have any Choctaw blood?
A I don't know sir.
Q Do you know anything about a person named Calvin Lindsey or Betsey Lindsey. A That's my father and mother.
Q Calvin Lindsey and Betsey are your father and mother?
A My father's name Calvin.
Q I'm talking about Calvin Lindsey; did you ever know there was any ancestor of yours named Calvin Lindsey? A I heard of them but I don't know anything about them.

Q Do you know who he was? (No answer)
Q Do you know whether he was ever related to you o r not?
A ies, sir.
Q What relation was he to you? A I don't know.
Q You don't know anything about Betsy Lindsey? A No sir.
Q Do you know who Calvin Lindsey and Betsy Lindsey were - answer the question? A They were my grandmother father and mother I suppose.
Q You have heard that in the family have you? A Yes sir.
Q Do you claim Choctaw blood through them or not? A I claim it on my grandmother's side.
Q Do you claim any through Calvin Lindsey? A I can t tell.
Q Do you claim any through Betsy Lindsey? A No sir.
Q Do you know whether you claim through Betsy or not?
A No, sir I dont.
Q Did any of your Choctaw ancestors go to Colonel William Ward within six months after the ratification of the treaty of1830 and tell him that they wanted to stay in Mississippi take land and become citizens of the states? A I dont understand you.
Q Did any of your Choctaw ancestors - I mean any of your relatives from whom you are directly descended - the old people from whom you are descended - did any of them live either in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there at that time? A I don't know sir.
Q Do you know whether any of them went to a man who was the United States Indian agent and whose name was Colonel William Ward within six months after the ratification of the treaty of1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.
Q Did any of them own any land or claim any or live upon any land in the old Choctaw Nation five years and then get a patent of that land from the government? A I don't know sir.
Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830?
A I don't know sir.
Q Didany of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1830 and 1838? I don't know sir.
Q Did any of them go from that old Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know sir.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? I don't know sir.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wished to take advantage of article fourteen of that treaty to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi take land and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his registery list known as Wards register and because of his refusal or neglect a great many Indians who had land in the old Choctaw Nation on which they had improvements had both land and improvements thereon taken from them by the government and sold at its public land sales. This caused

so many complaints among the Choctaw Indians that in 1837 and also in 1842 by various acts of Congress commissions were appointed which went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did you ever hear if any of your Choctaw ancestors went before either of these commissions and claimed and benefits under article fourteen of that treaty? A I dont know.
Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas. A I dont know sir.

Q Can you speak or understand the Choctaw language? A No sir.
Q As I understand you now you are not able to tell anything about your ancestors farther back than your father's father and father's mother. A That's all; or I cant hardly tell anything about them; I don't recollect about them.
Q But you don't go back any further than that? A No sir.
Q Then you depend upon the testimony given by your father and other relatives who claim through Choctaw ancestry through whom you claim? A Yes, sir..
Q Your father is William C. Neal who made application to be identified as a Mississippi Choctaw July 1st 1902 is he?
A Yes sir.
Q And you would like to have his petition considered with yours would you? A Yes sir.

The case of William C. Neal et al N.Y. . 6085 is here referred to as the father of this applicant who made application to be identified as a Mississippi Choctaw July 1st 1902.

Q How are you related to Pinkney C. Neal? A I can't know.
Q Do you know Pinkney C. Neal? A I dont know.
Q Never heard of him. He stated his father Stephen Neal and I presume that he's your father's brother. A I never heard him called by that.
Q You know him by some other name? A He's my uncle; I call him Uncle Green.
Q And Uncle Green as you call him - your father's brother - is Pinkney C. Neal? A Yes sir I reckon so.
Q But you have always known him as Green? A Yes sir.
Q He has made application to be identified as a Mississippi Choctaw July 26, 1902. Do you want to have your case considered with his case? A Yes sir.

The case of Pinkney C. Neal 6107 is here referred to for the purpose of consolidation.

Q You have no other evidence you want to present now or any proof you want to give? A No sir.
Q Do you speak Choctaw or understand the language? A No sir.

The applicant has the appearance and physical characteristics of being descended from white parentage; she has light hair; blue eyes; light complection; she has no knowledge of the Choctaw language and no knowledge of complainon on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood, being first duly sworn upon her oath

M.F.Neal 6

states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had the above entitled cause on the 21st day of January 1905 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

[signature]

Subscribed and sworn to before me this 29th day of January 1905.

Charles Netaungee

Notary Public.

M C R 6617

COPY.

Muskogee, Indian Territory, November 19, 1903.

Mary Frances Neal,

Center, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elizabeth Jones,	M.C.R. 6108
Tolliver L. Neal, et al.,	M.C.R. 5539
Almor C. Marcum, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6618
Mary Frances Neal,	M.C.R. 6617

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney G. Neal, Elonzo Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Marcum, Myrtle L. Marcum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allon H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby
Chairman.

Register.

M.C.R. 6617

COPY.

Muskogee, Indian Territory, February 17, 1904.

Mary F. Neal,

Center, Indian Territory,

Dear Madam:

You are hereby notified that on the 25th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al., of which decision you were advised by registered mail on the 19th day of November, 1903.

Respectfully,

T. B. Madden.

Commissioner in Charge.

INDIAN LAND AND MONEY
LP-10-29-36
Mississippi Choctaw claim by
Mary V. Neal, now Mariott.

October 29, 1936.

Mrs. Mary Mariott,
Jennet, Oklahoma.

Dear Madam:

We have your letter of October 26, 1936, in which you say your father's name was William Calvin Neal, his mother's maiden name was Linsa, and your sister's name was Sallie McNally, and that application was made for your enrollment as a Mississippi Choctaw at Muskogee.

Our records show that application was made by William C. Neal of Gumsprings, Arkansas, on July 19, 1902, at Muskogee, then Indian Territory, for the identification of himself and minor son, Louis C. Neal, as Mississippi Choctaws. Mr. Neal stated his parents were Stephen F. Neal, and Sarah Neal, nee Lindsey, and that her parents were Calvin and Betsey Neal, and claimed his Indian blood through his mother. He gave his wife's name as Elizabeth Neal and not of Indian blood. He gave his age as 57 years, and claimed to be 1/8 Indian blood.

The records further show that on January 21, 1902, you made application for the identification of yourself as a Mississippi Choctaw, giving your age as 25 years, 1/16 Indian blood, and daughter of William C. Neal and Sarah E. Neal; and application was also made on the same date by Sallie McAnnally, for herself and eight children and one nephew, for identification as Mississippi Choctaws, stating she was 35 years old at that time and her parents were William C. Neal and Sarah E. Neal.

As Mr. Neal, your father, was unable to prove his identity as a Mississippi Choctaw, his application was refused by the Commission to the Five Civilized Tribes on November 19, 1902; also your application and that of Sallie McAnnally were refused on this date and you were all so notified. On January 23, 1904, the decision of the Commission in refusing the above mentioned applications was approved by the Secretary of the Interior, and you were notified of your rejection on February 17, 1904, also your father and sister were notified that their applications were rejected. Your names were not placed on the approved roll as citizens of the Choctaw Nation and therefore none of you were entitled to land,

Mrs. Mary Hesketh. October 29, 1924.

money or any other benefit from the Choctaw Nation. These names are not considered Dawes on the rolls for the Choctaw Nation (including the Mississippi Choctaws) were completed and closed by act of Congress on March 4, 1907. Only those persons whose names already appear on the approved rolls were entitled to allotments of land and distributive shares of funds belonging to the Choctaw Nation.

Respectfully,

Superintendent.

-2-

6617

No. 6617

For Identification as a Mississippi Choctaw.

Date JAN 21 1903

Name Mary F. Neal

Age 25 – Blood ~~1/8~~ 1/16

Post Office, Center, I. T.

Father, William C. Neal, l.

Mother, Sarah E. " l.

Claims through father,

Claims for self alone

Stenographer Clara Mitchell Wood

FOR IDENTIFICATION
ADMISSIBILITY DOCTRINE

Mary F. Neal

REFUSED

JAN 2, 1901

Choctaw MCR 6618

Sallie B. McAnnally

MCR 6618

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 21, 1903.

In the matter of the application of Sallie B. McAnnally for the identification of herself and her eight minor children, Florence B., Effie R, Myrtle L., Johnnie C., Walter L., Mary M., Malinda A., and Bertha A. McAnnally and for the identification of her minor nephew Allon H. West as Mississippi Choctaws.

Sallie B. McAnnally being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sallie B. McAnnally.
Q What is your age? A Thirty five .
Q What is your post office address? A Bebee.
Q Indian Territory? A Yes, sir.
Q How long have you lived there? A A little over two months.
Q Where did you live before you went to Bebee. A Arkansas.
Q Where did you live in Arkansas? A In Clark County.
Q How long did you live in Arkansas? A Sixteen years.
Q Where did you live before you went to Arkansas? A Texas.
Q How long did you live in Texas? A Three years, I think it was.
Q Where in Texas did you live? A Milam County.
Q And before you went to Texas where did you live? A Mississippi
Q Were you born in Mississippi? A Yes, sir.
Q Where in Mississippi were you born? A Choctaw County.
Q Is your father living? A Yes, sir.
Q Is your mother also? A Yes, sir.
Q What is your father's name ? A William Calvin Neal.
Q What is your mother's name? A Sarah Elizabeth.
Q Do you claim your Choctaw blood through your father? A Yes, sir .
Q How much do you claim? A One sixteenth.
Q Claim your father was one eighth dd you ? A Yes, sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A He was enrolled here last July.
Q He made application to be identified as a Mississippi Choctaw before the Commission last July? A Yes, sir.
Q He never has made any other application has he? A Not that I know of.
Q Do you know when he was married and where? A He married in Mississippi but I don't know when.
Q Do you know if he was married by a minister under a license?
A No, sir I cant tell.
Q Is your husband living? A Yes sir.
Q What is your husband's name? A L.H.McAnnally.
Q What is his nationality or blood - is he Indian or white man or what? A He's most Irish.
Q Then you would call him a white man? A Yes, sir.
Q Do you make any claim for him? A No, sir, not for him.
Q Now give me the names of your children beginning with the oldest under age and unmarried? A Florence B. aged 16.

Next? A Effie F. aged fourteen. Myrtle L., aged twelve. Johnnie C., aged eleven.
Q Boy? A Yes, sir. Walter L., aged seven. Mary M. aged six. , Malinda A., aged three., Bertha A., aged fourteen months.
Q You claim for yourself and these eight children do you?
A Yes, sir -- and my dead sister -- I have one of her children that I'm guardian for.
Q Have you got the appointment of yourself as guardian of that child here? A No sir but she's dead.
Q But you haven't been appointed by court have you? A No, sir.
Q You have just simply taken care of the child have you? A I've just taken it; he's a little boy seven years old.
Q He's your nephew is he? A Yes, sir.
Q What is this boy's name? A Allon M: West.
Q How old is Allon? A Seven years old.
Q How long have you had charge of Allon? A Ever since last July.
Q You mean July, 1902? A Yes, sir.
Q What was his father's name? A West.
Q Full name? A Jack West.
Q Is he living? A Yes sir, his father is living but they were parted and divorced and she always cared for the baby all his life; after she died I taken it.
Q What was the name of the mother of Allon West? A Anna Neal before she married.
Q Is she dead? A Yes, sir, died last March.
Q Is Jack West a white man? A Yes, sir.
Q How much Choctaw blood did Allon West's mother have? A One sixteenth.
Q Was she your own sister? A Yes, sir.
Q Having the same father and mother as you? A Yessir.
Q Where is Jack West? A He was in Arkansas, the last I knew of him; I don't know a thing about where he's at now.
Q Did he take care of his child until his mother died? A No sir ; she's cared for it all its life.
Q How long was Jack West divorced from his wife before she died? A I don't know -- nearly seven years. Six years.
Q They were divorced then for six years? A Yes sir.
Q And when they were divorced did the court give the mother the charge of the child? A I can't tell you anything about that.
Q Did they mother have the child? A Yes sir she kept it all her life.
Q And for six years Jack West has had nothing to do with the support of this child? A No sir.
Q When this child was about a year old, the father and mother became separated by a decree of divorce. A Yes, sir.
Q And the mother took the child and has cared for it ever since until she died? A Yes, sir.
Q The father does not care for it now? A No, sir, he had the privilege of taking it when sister died if he had wanted to do it.
Q You think he will never support it? A No, sir.
Q You think he never will support it? A No, sir , I aim to keep the child if I live and he does until he can take care of himself.
Q Is this child living with you at your home? A Yes, sir.
Q You are the nearest living relative of this child having Choctaw blood, are you? A Yes, sir.

Q And for the reason that this child has Choctaw blood and its mother was your sister and for the further reason that the father who is a white man separated from his wife six years ago and has never done anything for the child since, you make this application to preserve its rights as a Choctaw Indian, do you? A Yes, sir.

Q Do you know whether or not the mother of this boy Allon H. West has ever been recognized or enrolled as a member of the Choctaw tribe of Indians by any authority whatever up to the present time? A She has never been enrolled.

Q You claim for the boy has mud Choctaw blood? A Now I cant tell you about that.

Q You claim one sixteenth d you? Yes sir.

Q The mother was one sixteenth, the boy would be one half of that which is one thirty second.

Q You make that claim for the boy do you? A Yes sir.

Q You also claim one thirty second for your own children?

A Yes, sir.

Q You claim Choctaw blood for the child then through its mother who is your sister Anna? Yes, sir.

Q Do you know when and where your sister was married to her husband Jack West? They was married in Arkansas.

Q Do you know where in Arkansas they were married? In Montgomery County Arkansas.

Q Do you remember the day of the month and year? No sir I dont.

Q Do you know whether they were married by a minister under a license? They were married by a Justice of the Peace.

Q You haven't the proof of the marriage with you have you?

A No, sir.

Q Do you know whether your name or the names of your children or the names of this boy Allon H. West are upon any of the tribal rolls of the Choctaw Nation in the Indian territory?

A No sir; they aint.

Q Do you know whether application has ever been made either by you or for you or for your children or this boy for citizenship in the Choctaw Nation either the Choctaw tribal authorities, or the Dawes Commission under act of Congress of June 10, 1896? No, sir.

Q Have you or your children or this boy ever been enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities in the Indian Territory, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No, sir.

Q Do you now come before the Commission to identify yourself and children and this boy Allon H. West, as lineal descendants of Choctaws? Yes, sir.

Q Do you claim under article fourteen of the treaty of 1830 or don't you understand it? A I don't understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830 --

A Of course I've heard of it but I never knew anything about it.

---the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; now before this treaty was signed it became known that a good many Choctaw Indians

would refuse to go to the Choctaw nation Indian territory with the other Indians under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation, article fourteen was drafted and put into the treaty of 1830.

A I didn't know anything about that -- of course I've heard people talk----

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You do know if any of your Choctaw ancestors complied or attempted to comply with -(or did any of the Choctaw ancestors of [illegible]) -- comply with article fourteen of the treaty of 1830? A There ain't any applied but me.
Q Did any of your ancestors -- now going back as far as you can-- comply with article fourteen of that treaty -- do you know?
A No, sir I don't know.
Q What is the name of your ancestor through whom you claim your right to be identified now as a Mississippi Choctaw? My grandmother.
Q Go back as far as you can? My grandmother.
Q What was her name? Her name was Sarah Lindsey before she married.
Q Whom did she marry? Stephen Neal. I.P. I believe.
Q How much Choctaw blood did Sarah Neal have? A Pa always claimed one eighth.
Q You claim for Sarah how much? I don't tell you.
Q Now do you know anything about her father and mother? A No, sir
Q You don't know whether she claimed through her father or mother? I don't know.
Q Your father has made application here to be identified as a Mississippi Choctaw has he? A Yes, sir.
Q And he has given the ancestry further back than Sarah Lindsey who married Stephen Neal. A Now I've heard them all talk but I don't know anything about them at all.
Q Would you like to refer to the examination given by your father William C. Neal and refer to that testimony and have it made part of your own? A Yes, sir.

The case of William C. Neal et al M.C.R. 6083 is here referred to as being the father of this applicant, both claiming through the same ancestry and also claiming through the same ancestry as the boy Allen West mentioned on his claim through.

Q [illegible] know whether Sarah Neal your grandmother or any ancestor more remote or less remote than that lived in Mississippi or Alabama in the old Choctaw nation in 1830 [illegible] family there then? A I was, sir I reckon they lived there some where.
Q In Mississippi? A I was sir or Alabama, I cant tell which state but I've heard them talk and I know they lived in Mississippi.
Q I thought you said you could n't tell which state. A I thought you was talking about a great grandmother.
Q Your great grandmother lived in Mississippi? A I cant tell you about a great grandmother, it's my grandmother.
Q You are not able to testify any further than your grandmother? A No sir.
Q And you think she lived there - in Mississippi or Alabama?
A She lived in Mississippi - my grandmother is.
Q Did she live there in 1830 - seventy three years ago?
A I cant tell you.
Q Did she have a family there then? A She had a family as far back as I can recollect.
Q But you can't testify about the year 1830, can you? A No, sir.
Q And you cant go back any further than that? A No sir.
Q Do you know whether any of your Choctaw ancestors went to Colonel Reed the United States Indian Agent within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land and become citizens of the states? A I dont know.
Q Did any of your Choctaw ancestors live on land in Mississippi or Alabama which they claimed under article fourteen of the treaty of1830 and after living on it five years get a patent to that land from the government under article fourteen?
A I dont know anything about that.
Q Did any of them claim any land at all in the old Choctaw Nation under article fourteen of the treaty of 1830?
A I don't know.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1832 and 1838 or forty? A I don't know.
Q Do you know who [illegible] any of them went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw nation Indian Territory? A No sir I dont know.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.
Q Such as houses, out buildings, barns and fences? A Not that I know of; Pa owned a farm but he bought it.
Q That wouldn't be as far back as 1830 would it? A No sir.
Q Do you know whether any of your Choctaw ancestors went before a commission appointed by act of Congress approved March 3, 1837 or before a Commission appointed by act of Congress approved August 23 1842 and old medany rights under article fourteen of the treaty of 1830? A No, sir.

These commissions were appointed at these times because of the complaints of ChoctawIndians who stated that they had gone to Colonel Ward within six months from the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but that he had neglected or refused to put their names on his registry list known as Wards register and because of his negligence in this respect these Indians lost their land in the old Choctaw Nation-----

A I don't know anything about it.
Q Do you know whether any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

Q Do you speak or understand the Choctaw language? A No, sir.
Q What relation is Pinkney G. Neal to you? A Uncle.
Q How have you always known him - by what name? A Green.
Q That's his middle name? A Yes, sir.
Q He has made application to be identified as a Mississippi Choctaw; do you want to have his application referred to?
A Yes, sir.

The case of Pinkney G. Neal, et al., M.C.R. 6107 is here referred to for the purpose of consolidation .

Q Have you any evidence you want to introduce now? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; blue eyes; medium fair complection; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled causeon the 21st day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30th day of January 1903.

Charles H. Fairgrave

Notary Public.

COPY.

M C R 6618

Muskogee, Indian Territory, November 19, 1903.

Sallie B. McAnnally,

Bebee, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elizabeth Jones,	M.C.R. 6108
Tolliver L. Neal, et al.,	M.C.R. 5539
Almer C. Marcum, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6618
Mary Frances Neal,	M.C.R. 6617

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney G. Neal, Elonzo Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Marcum, Myrtle L. Marcum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allon H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Registered. Chairman.

M C R 6618

Muskogee, Indian Territory, November 23, 1903.

Thompson & Tolbert,

Attorneys at Law,

Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you ask to be advised the status of the following applicants for identification as Mississippi Chootaws:

Sallie B. McAnnally
A. M. Neal
John Neal
Cal Neal
Jeff D. Neal

In reply you are informed that on November 19, 1903, the Commission rendered a decision refusing the several applications included in the consolidated Mississippi Chootaw case of Pinkney G. Neal, et al., of which the applications of the above named persons are a part. On the same date the several applicants were notified that they would be allowed fifteen days from the date of said decision within which to file argument in support of their claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore allowed the applicants in said consolidated case within which to file argument in support of their application to be forwarded to the Secretary of the Interior,

will expire on December 4, 1903. On December 5, 1903, the record in this case, together with such arguments as may be offered in support of the several applications included in the consolidated Mississippi Choctaw case of Pinkney G. Neal, et al., will be forwarded to the Secretary of the Interior. The applicants will be notified of such action as may be taken by him.

Respectfully,

Chairman.

M.C.R. 6818

COPY.

Muskogee, Indian Territory, February 17, 1904.

Sallie B. McAnnally,

Bebee, Indian Territory,

Dear Madam:

You are hereby notified that on the 28th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al., of which decision you were advised by registered mail on the 19th day of November, 1903.

Respectfully,

(SIGNED)

Commissioner in Charge.

M.C.R. 6618

COPY.

Muskogee, Indian Territory, February 17, 1904.

Thompson & Tolbert,

Attorneys at Law,

Ada, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of January, 1904, the Secretary of the Interior affirmed th decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al.

Respectfully,

(SIGNED)

Commissioner in Charge.

			Florence B. McAnnally, 16 Effie E. " , 14 Myrtle L " , 12 Johnnie C " , 11 Walter L " , 7 Mary M " , 6 Malinda A " , 3 Bertha A " , 10 mos.
		Sallie B. Neal, 35 1/16 married L. N. McAnnally, w. L.	
Sarah Lindsey, 1/8 married Stephen P. Neal.	William Calvin Neal, 1/2 L (See inCR 6083) wife Sarah Elizabeth Neal, L		
		Mary F. Neal, 25 1/16 Frakes	
		Anna Neal, dead married Jack West, w. L	Alton West, 7. 1/32.

6618 No. 6618

For Identification as a Mississippi Choctaw.

Date JAN 21 1903

Name Sallie B. McAnnally

Age 35. Blood 1/16

Post Office. Bebee. I. T.

Father: William C. Neal, l.

Mother: Sarah E. " l.

Claims through father 1/8

Husband,

L. H. McAnnally. l.w.

Claims nothing for

Children:

Florence B. McAnnally, (1/32) 16

Effie E " " 14

Myrtle L " " 12

Johnnie C " " 11

Walter L. " " 7

Mary M. " " 6

Malinda A. " " 3

Bertha A " " 14 m

Claims for self & 8 of her own children & one nephew, see over

Stenographer Clara Mitchell Wood

Allen H. West, — 1/31/97.

f. Jack West, m[illegible] (l.) W.
m. Anna " (d.) 1/16

Mallie. B. McAnnally

REFUSED

Choctaw MCR 6619

Texanna M. Heron

MCR 6619

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Texanna M. Heron, et al., for identification as Mississippi Choctaws, M.C.R. 6619.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of Texanna M. Heron, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Decision of the Commission refusing the application of Texanna M. Heron, et al., for identification as Mississippi Choctaws--------	8

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Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 21, 1903.

In the matter of the application of Texanna M. Heron for the identification of herself and her eight minor children Garfield, Johnnie, Sinia, Charlie, Mary, Ruth, Texanna and Bessie Heron as Mississippi Choctaws.

A. S. McRea, Attorney for applicant.

Texanna M. Heron being first duly sworn testified as follows:
Examination by the Commission:

Q What is your name? A Texanna M. Heron.
Q What is your age? A Forty years old.
Q What is your post office address? A Chatfield Texas.
Q How long have you lived there? A I've lived there very near all my life.
Q Where were you born? A In Texas.
Q You have always lived in Texas? A Yes, sir, always in Texas but not at Chatfield.
Q Is your father living? A No sir.
Q Is your mother living. A No, sir.
Q What was your father's name ? A Will Mayfield.
Q Whatwas your mother's name? A Mary Mayfield.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One fourth.
Q How much Choctaw blood did your father have? A I suppose about half or three fourths.
Q If you are one fourth and you get all your Choctaw blood from your father he must have been one half. A Well I don't just really know.
Q You don't get any Choctaw blood from your mother? A No, sir.
Q What was her blood? A She was all mixed up -- she had some Creek and I don't know just all that she had.
Q Did she have any white? A Yes, sir a little.
Q Did she haveany colored? A Well is was such a little that I don't hardly pronounce it; but she had some.
Q You claim your father was one half Choctaw Indian; what was his other blood? A White.
Q Did he have any colored blood at all? A Not a bit.
Q Then whatever colored blood you have you get from your mother
A Yes sir.
Q And do you know just the quantity of that - was it one fourth or a half or how much colored blood? A No she didn't have a fourth in her - she had such a little; she just had enough to say she had some colored blood but it wasn't very much.
Q You say your father had no colored blood but had white and Indian? A Yes, sir.
Q Now was either your father or your mother or any of your ancestors slaves at any time? A I don't understand you.
Q Were either your father or mother or any of your kin-folks in

a direct line back slaves at any time? A Well my father wasn't I don't know really whether my mother were or not; I know my father wasn't.
Q Did you ever hear your mother was? A No, not in particular.
Q Did you ever hear at all in any way, shape or manner? A Well, I'm telling you just as far as I know; I'm honest in trying to tell you just as far as I know; she was free born I know.
Q Did she become a slave afterwards? A I might have been; she wasn't a slave but taken as a slave; she was supposed to be something like a slave.
Q Taken against her will? A Yes sir.
Q Was she stolen? A No sir was just fooled off as girls would be
Q Was she liberated then during the war; you know there was an act of emancipation passed in '63; was she liberated at that time? A Yes sir I guess she was; she was bound to be.
Q Where was she living at that time? A In Texas.
Q What was her master's name if she was liberated during the war? A Jesse Mayfield.
Q She took his name then did she? A I don't know whether she taken his name or whether it was her own original name.
Q His name was Jesse Mayfield and her name you say was Mayfield.
Q Who was Will Mayfield ? A My father.
Q How did he happen to have the name - was he the man that took her? A No.
Q Was he a member of that family - was he a member of the family of the man that took your mother? A No, I dont know as he was; I don't know that.
Q Now you think you were born before 1863? A Yes, sir, I guess I was.
Q And you were born in slavery too were you? A I reckon I was.
Q Do you know whether your father has been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No, I don't know.
Q Are you married now? A Yes sir.
Q Is your husband living? A Yes, sir.
Q Are the children that you apply for all his children too?
A Yes, sir all his children.
Q What is his name? A Alex Heron.
Q What is his blood or nationality? A He's African - some Indian blood but I cant tell anything about it; he's mixed up - white and African I suppose. We would say African.
Q Has he negro white and Indian blood all together? A Yes sir.
Q What kind of Indian blood has he? A I dont know.
Q Do you make any claim for him as a Choctaw Indian? A No sir I dont; just myself and children.
Q Give me the names of your children beginning with the oldest ?
A Garfield Heron.
Q How old is Garfield? I got the names mixed up; they are all right close together; eighteen.
Q What is the name of the next child? A Johnnie Heron.
Q Boy? A Yes, sir.
Q How old is Johnnie? A Seventeen.
Q What is the name of the next child? A Sinia.
Q It's a girl? A Yes sir.
Q How old is Sinia? A Fifteen.
Q Next? A Charlie.
Q Boy? A Yes, sir.
Q How old is he? A Fourteen.

Q Next? A Mary.
Q How old? A Thirteen.
Q The next? A Ruth.
Q How old? A Twelve.
Q What's the name of the next? A TexannaHeron.
Q How old is she? A Eleven.
Q The last one? A Bessie.
Q How old is she? A Four yearsold.
Q Is that all? A That's eight.
Q That'sall is it? A yes, sir.
Q Is your husband Alex Heron the father of these children?
A yes sir.
Q Are you and he living together as husband and wife and are these children living with you at his home? A Yes sir all in the building.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territoyy? A Well I have a sister --
Q Your name? A No, my name's not.
Q Or any of your children's names? A No, sir.
Q What were you going to say about your sister? A I think you will find her name enrolled here.
Q When did she come here? A About three years ago I think.
Q Before the Commission? A Yes, sir and she got a claim. She died.
Q What was her name? A Amanda. I don't know which name she used; she had three; I don't know which one she used.
Q What were here three names? A The first was Amanda Slaughter, Amanda Harle and Amanda Mayfield; I don't know which she used.
Q Did she appear before the Commission? A She told me she did.
Q At what place? A Muskogee; right here; it couldn't have been over four years ago.
Q Did she appear to be identified as a Mississippi Choctaw or a Choctaw by blood or didshe appear as a Choctaw at all.
A I cant well tell; I didn't learn from her just how but I can tell that she claimed to have got a claim.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Not before.
Q You never made any application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian territory? A No sir I havenot.
Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A I do.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes, sir.
Q Do you understand article fourteen or would you like to have it explained? A I would like to have it explained.

A treaty is an agreement or comp act made in writing between two or more nations; an article in a treaty is one of its subdivisions or sections or paragraphs; in the year 1830 a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it be-

came known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory with the other Indians under the treaty; in order therefore to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation article fourteen was put into the treaty of 1830 ; the treaty then was signed and afterwards with that article in it became ratified.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall there upon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it ; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any potion of the Choctaw annuity."

Q Now do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No .
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather George Adair, andmy grandmother Margaret Adair.
Q You claim through both your grandfather and grandmother?
A Yes sir.
Q How much Choctaw blood did George Adair have? A Full blood.
Q How much didhis wife Margaret have? A Full blood.
Q Do you know whether he claimed through his father or mother
A No I dont.
Q D oyou know whether she claimed through her father or mother
A No.
Q The were both full blood,they must have claimed through both parents but you dont know their names? A No, sir.
Q You are not able to go back further than your grandfather and grandmother. A I'm not able to go back any further.
Q Did you know these two people personally yourself? A No not personally myself.
Q How do you know that George Adair and his wife Margaret were full blood Choctaw Indians? A What my father told me.
Q Is that the only source of information you have - just what you have had told you by your father or did you hear anybody else? A I heard it from my grandma's and uncles -- I don't know -- a good many; I have an uncle pretty near full blood and he knew it.
Q It's a matter of family history and tradition is it? A Yes sir.
Q And is that the only information you have - what you heard through your relatives and others? I mean have you any records or any kind or any kind of proof that they were Choctaw Indians only what you heard people say? A No sir.
Q Did George Adair and his wife live in the state of Mississippi or Alabama or either? A In the Indian Territory?

Q Did either of them live in Mississippi or Alabama? A I dont know whether they did or not.
Q Can you give the name of any Choctaw ancestor of yourswho did live in that old Choctaw Nation east of the Mississippi river? A Well I've learned Margaret Adair lived a while at at Fort Smith.
Q I'm asking about Mississippi or Alabama?A I dont know.

It is necessary for you to show that you have Choctaw blood which came from some ancestor who was living in Mississippi or Alabama in the old Choctaw nation and was what we call a Mississippi Choctaw; now you claim to be a Mississippi Choctaw and in order to prove that claim you have to show that some ancestor of yours lived in Mississippi or in Alabama. A well now my grandma lived there.
Q That's what I asked you? A Yessir.
Q Your grandmother on your mother's side? A Yes, sir.
Q You are claiming through yourf ather/ A But she lived in Mississippi.
Q But your grandmother on your mother's side wouldn't have any Choctaw blood would she?A Yessir she had Choctaw blood.
Q Then you claim through both father andmother? A Well I aint claiming anything only through my father.
Q It seems to me if you claim Choctaw blood through your mother and your grandmotherlived in Mississippi - that's the one.
A I dont know whether my mother's mother lived in Mississippi or not; I expect though she did. I didn't just learn.
Q Well now dont you want to make your claim through your father andmother? A Yes, sir.
Q A litlle while ago you said you claimed only through your father. A I didn't understand.
Q Now you wish to change that and claim also through your mother dont you? A yes sir.
Q Now did your mother's father or your mother's mother have Choctaw blood? A My mother's mother - my mother's father had Creek.
Q Your mother's mother's name was what? A Nancy Mayfield.
Q Now you understand that is your mother's mother - Nancy Mayfied and she had how much Choctaw blod? A She was a full blood.
Q Now didNancy Mayfield live in Mississippi at any time?
A Yes, sir.
Q Did she live in Mississippi in the year 1830 and have a family there then - seventy three years ago? A Yes, sir I think she did.
Q Now is Nancy Mayfield, the only Choctaw ancestor that you can positivly swear lived in the state of Mississippi?
A yes sir, that's the only one.
Q You think George Adair and his wife Margaret were full blood Choctaw Indians but you don't know whether they ever lived in Mississippi or Alabama? A No sir I don't.
Q So you no testify that your mother's mother Nancy Mayfield was a full blood Choctaw Indian who lived in Mississippi in 1830 andhad a family there then? A Yes, sir.
Q Do you know whether she claimed her Choctaw blood through both her parents. A No, I don't.
Q Do you know what her parents name's were. No, sir I dont.
Q You cant go back any further than Nancy Mayfield on your mother's side can you? A No sir I cant.
Q Dont know whether her husband had any Choctaw blood or what his name was? A No sir.

Q Was George Adain and his wife Margaret or was Nancy Mayfield or her husband any of them slaves at any time? A No sir, never was slaves.
Q Was Nancy Mayfield a slave? A Yes sir she was fooled from the Indian Territory out in Texas and made a slave.
Q She was liberated was she by the act of emancipation? A Yes, sir.
Q Do you know if any of those Choctaw ancestors whom you have named either on your father's side or your mother's side went to Colonel William Ward the United States Indian agent at his office in the state of Mississippi and within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land and become citizens of the states? A One only.
Q What was his name? A Alex Mayfield.
Q I'm talking about 1831 - that's seventy two years ago; is Alex Mayfield living now? A No sir.
Q How old would he be if living now? A He would be about ninety or a hundred years old pretty near.
Q When was he born? A I dont just well know when he were born; it would be something like that; yes it would be ninety or a hundred.
Q None of your own direct ancestors went to Colonel Ward did they that you know of? A No, sir.
Q Did any of your own direct ancestors on your father's or mother's side live on any land in the state of Mississippi or Alabama in the old Choctaw Nation five years and at the end of that time get a patent or deed of that land from the government as Choctaw Indians? A Not that I know of - more than my uncle.
Q I'm talking about your ancestors? A No, I don't know.
Q Your uncle isn't an ancestor, and I don't believe you know whether your uncle got a patent to land in Mississippi from the government do you? A No, sir I don't.
Q However that's immaterial as I want to know what your ancestors did and not what your uncle or any other relative did.
Q Did any of your Choctaw ancestors either on your father's side or your mother's side claim any land or assert any rights under article fourteen of the treaty of 1830 in the old Choctaw Nation east of the Mississippi river to your knowledge
A No sir not to my knowledge.
Q Did any of your Choctaw ancestors on your father's side or your mother's side go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty?
A Not that I know of.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A Not that I know of.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? or 1831? A Not that I know of.
Q Did any of your Choctaw ancestors go before either the Commission or 1837 which commission was appointed by act of Congress

approved August 23 1842 for the purpose of claiming rights under article fourteen of the treaty of 1830 which rights had been denied them by the United States Indian agent Colonel Ward?
A I don't know.

These commissions were appointed because of the complaints of Choctaw Indians who claimed that they had made an effort to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty but had been refused registration by Colonel Ward and as a result of his refusal those Indians had lost their land in the old Choctaw Nation because it had been taken from them by the government and sold at its public land sales.

Q Did you ever hear that any of your Choctaw ancestors on your father's side or your mother's side received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No, sir.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and who also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

Q Do you speak or understand the Choctaw language? A No sir I dont.
Q You have no evidence you want to present now to the Commission? A No sir.

To A.S.McRea attorney for applicant: Any questions Mr McRea?

A No sir.

Thirty days time is allowed this applicant in which to introduce other proof if she desires in support of this application.

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A No sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestory; she claims Choctaw but the Commission is unable to determine in reference to her Choctaw blood - whether she has any or if so how much; she shows whiteblood and also colored blood in her hair and somewhat in her manner of talking; she has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Woodbeing first duly sworn states that as stenographer for the Commission to the five Civilized Tribes she reported the above case and that this is a true and correct transcript of her stenographic notes of said proceedings on the 21st day of January 1903.

Clara Mitchell Woodward

Subscribed and sworn to before me this 21st day of January 1903

Charles [illegible]

Notary public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Texanna M. Heron, et al., for identification as Mississippi Choctaws, M.C.R. 6619.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Texanna M. Heron for herself and her eight minor children, Garfield, Johnnie, Sinia, Charlie, Mary, Ruth, Texanna and Bessie Heron, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of George Adair, Margaret Adair and Nancy Mayfield, who are alleged to have been full blood Choctaw Indians, and the latter to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said George Adair, or Margaret Adair, or Nancy Mayfield, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Texanna M. Heron, Garfield Heron, Johnnie Heron, Sinia Heron, Charlie Heron, Mary Heron, Ruth Heron, Texanna Heron and Bessie Heron, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles.
COMMISSIONER.

C. R. Breckinridge.
COMMISSIONER.

W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,
AUG 3 1903

COPY.

P C R 6619

Muskogee, Indian Territory, August 3, 1903.

A. S. McRae,
Attorney at Law.
Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on the 3rd day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Texanna M. Heron, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Texanna M. Heron, Garfield Heron, Johnnie Heron, Sinia Heron, Charlie Heron, Mary Heron, Ruth Heron, Texanna Heron and Bessie Heron, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

COPY.

Y C R 6019

Muskogee, Indian Territory, August 3, 1903.

A. S. McRae,
Attorney at Law.
Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on the 3rd day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Texanna M. Heron, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Texanna M. Heron, Garfield Heron, Johnnie Heron, Sinia Heron, Charlie Heron, Mary Heron, Ruth Heron, Texanna Heron and Bessie Heron, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

C R 6519

COPY.

Muskogee, Indian Territory, August 3, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Texanna M. Heron, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Texanna M. Heron, Garfield Heron, Johnnie Heron, Sinia Heron, Charlie Heron, Mary Heron, Ruth Heron, Texanna Heron and Bessie Heron, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.

Commissioner in Charge.

M C R 6619

COPY.

Muskogee, Indian Territory, August 3, 1903.

Texanna M. Heron,

Chatfield, Texas.

Dear Madam:

You are hereby advised that on the 3rd day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Texanna M. Heron, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Texanna M. Heron, Garfield Heron, Johnnie Heron, Sinia Heron, Charlie Heron, Mary Heron, Ruth Heron, Texanna Heron and Bessie Heron, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

TMH 2

office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.

Registered. Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Texanna M. Heron, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 3, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

2 Enclosures:M.C.R.6619.

(COPY).

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 5, 1903.

Land.
53936-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the application of Texanna [illegible]eron for herself and her eight minor children: Garfield, Johnnie, Sinia, Charlie, Mary, Ruth, Texanna and Bessie Heron, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission August 3, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from George Adair, Margaret Adair and Nancy Mayfield, who are alleged to have been full blood Choctaw Indians and residents in Mississippi or Alabama at the date of the makingof the Choctaw Treaty of 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim are not found on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty

of 1830, and for additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of George and Margaret Adair and Nancy Mayfield, and it is discovered that their names do not appear among the names of those who complied or attempted compliance with the provisions of said article and treaty. Neither does it appear that they applied to the Commissions appointed under act. of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

E. A. Jones,

Commissioner.

C.I.C. (B).

(COPY).

W.C.F.
F.H.E.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, November 21, 1903.

D.C. 32814.
ITD 7954-1903.
LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 19, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Texanna M. Heron (M.C.F. 6319), for herself and her eight minor children, Garfield, Johnnie, Sinia, Charlie, Mary, Ruth, Texanna and Bernie Heron, including your decision of August 3, 1903, refusing to identify them as such.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of George Adair and Margaret Adair, the paternal grandparents of the principal applicant Texanna M. Heron; also of Nancy Mayfield, maternal grandmother of the principal applicant, it being alleged that said ancestors were full blood Choctaw Indians and that Nancy Mayfield was a resident of Mississippi in 1830.

The evidence furnished by the record, as well as the records of the Indian Office, fails to show that any ofsaid ancestors ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of

Congress relating thereto.

Reporting in the matter November 5, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 6619.

Muskogee, Indian Territory, December 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Texanna F. Heron et al., of which decision you were advised by mail on the 3rd day of August, 1903.

Respectfully,

Tams Bixby.

Chairman.

M.C.R. 6619.

Muskogee, Indian Territory, December 3, 1903.

Texanna M. Heron,

Chatfield, Texas.

Dear Madam:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Texanna M. Heron et al., of which decision you were advised by registered mail on the 3rd day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M.C.W. 6619.

Muskogee, Indian Territory, December 3, 1903.

A. S. McRae,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Texanna M. Heron et al., of which decision you were advised by registered mail on the 3rdday of August, 1903.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

No. 619

For Identification as a Mississippi Choctaw.

Date JAN 21 1903

Name Tefanna M. Heron

Age 40 - Blood 1/4

Post Office. Chatfield, Texas.

Father: Will Mayfield x d.

Mother Mary " d.

Claims through father 1/2 mother

Husband.

Alex Heron. Negro. W. & Indian. l.

No claim for husband.

Children.

Garfield Heron.		18
Johnnie	"	17
Sinia	" F.	15
Charlie	" M.	14
Mary	"	13
Ruth	"	12
Tefanna	"	11
Bessie	"	4

Claims for self and 8 minors

Stenographer Clara Mitchell Wood

FOR IDENTIFICATION
AS MISSISSIPPI CHOCTAW

Tyama. M. Herron

Choctaw MCR 6620

Josephine Waller

MCR 6620

MISSISSIPPI CH

Josephine Waller et al

CANCELLED

CANCELLED

APR 2 - 1903

Choctaw MCR 66211

Rosanna Loid

MCR 66211

#6621.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 22, 1903.

In the matter of the application of Rosanna Loid for the identification of herself and her three minor children, Luella, Verilee, and Archie Loid, as Mississippi Choctaws.

W. H. Twine, attorney for applicants.

Rosanna Loid being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Rosanna Loid.
Q How do you spell your last name? A L-o-i-d.
Q What is your age? A 30 years old.
Q What is your post office address? A Marlin, Texas.
Q How long have you lived in Marlin? A All my life.
Q You were born there? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Archie Randolph.
Q What is your mother's name? A Louisa Randolph
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A My mother was one half, that would throw me one quarter.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is Louisa Randolph who made application to be identified as a Mississippi Choctaw before the Commission, M. C. R. 6489, your mother? A Yes sir.
Q Do you want to have that case referred to in this application made by you?

By W H Twine, attorney for applicant: Yes sir.

By the Commission: The case of Louisa Randolph, mother of this applicant, M. C. R. 6489, is here referred to for the purpose of consolidation.

Q Now, your father had no Choctaw blood? A No sir.
Q What was his blood or nationality? A He is a colored man.
Q He has no white or Indian blood? A No sir.
Q What was your mother's other blood aside from her Choctaw blood? A Mother is half Indian.
Q What is her other blood? A Colored.
Q Were your parents, or either of them, at any time slaves? A Yes sir.

Q Were both of them slaves? A Yes sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is your husband's name? A Foster Loid.
Q What is his blood or nationality? A He is colored.
Q You don't make any claimfor him? A No sir.
Q Have you any children you want to make application for? A Yes sir, I have three children.
Q What is the name of the oldest? A Luella Loid.
Q How old is Luella? A 7 years old.
Q What is the name of the next child? A Verilee Loid.
Q Two names or one? A Just one.
Q Is that a girl? A Yes sir.
Q And Luella also? A Yes sir.
Q How old is Verilee? A 3 years old.
Q What is the name of the next one? A Archie B. Loid.
Q That is a boy? A No sir, thats a girl.
Q How old is Archie? A She is one year old.
Q These are all girls? A Yes sir.
Q You claim for yourself and three minors? A Yes sir.
Q Is your husband, Foster Loid the father of these three children? A Yes sir.
Q Are you and he living together as husband and wife and these children living with you at your home? A Yes sir.
Q Is your name, or are the names of any of these children, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application for yourself and children for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A No sir.
Q Do you come before the Commission at this time to identify yourself and children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Now, do you understand that article, or do you want it explained to you? A No sir.
Q You dont understand it very well? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; this treaty was made on the 27th day of September of the year 1830, and was made for the purpose of getting the Choctaw Indians to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Nation article 14 wasput into the treaty of 1830. Now, article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty

acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reide upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty, or not? A No sir.
Q What is the name of your ancestor through whom you claim your right now to be identified as a Mississippi Choctaw? A Stephen Lowe.
Q Your mother is Louisa Randolph? A Yes sir.
Q She says her father's name was Stephen Lowe? A Yes sir, her father was named after his father.
Q And you are claiming through your great grandfather, who had a son also named Stephen Lowe, who was your grandfather? A Yes sir.
Q Do you know your great grandfather, Stephen Lowe's, wife's name? A No sir.
Q What was your grandfather, Stephen Lowe's, wife's name, do you know? A No sir, I dont remember.
Q Did your great grandfather live in Mississippi at any time? A My mother did, she was married in Mississippi.
Q Now, do you know whether Stephen Lowe, your great grandfather, ever lived in Mississippi or Alabama? A I think my grandfather lived there, but I dont know about my great grandfather.
Q Your mother when she gave her testimony before the Commission December 23, 1902, said that her grandfather, Stephen Lowe, lived in Mississippi in 1830, and had a family there then; do you know anything about that? A No sir.
Q You never heard her say so? A I heard it, but I dont remember it.
Q Do you know whether he or any Choctaw ancestor of yours within six months after the ratification of the treaty of 1830 went to the United States Indian Agent, Colonel Ward, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.
Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation east of the Mississippi river for five years and at the end of that time get a patent of that land from the government? A No sir, I dont know anything about it.
Q Do you know whether StephenLowe, or any other ancestor of yours having Choctaw blood claimed any land in that old Choctaw Nation under article 14 of the treaty of 1830? A No sir, I dont know.
Q Do you know whether any of your Choctaw ancestorswent from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A No sir.
Q Did any of your Choctaw ancestors go to the Choctaw Nation, Indian Territory, from that old Choctaw Nation east of the Mis-

issippi river, at the expense of the government with the other Indians between 1833 and 1838? A No sir, I dont know.

Q Did any of them own any improvements onland in the old Choctaw Nation in 1830 or 1831? A I dont know.

Q Did any of your Choctaw ancestors go before the Commission appointed by actof Congress approved March 3rd, 1837, or the Commission appointed by act of Congress appointed by act of Congress approved August 23rd, 1842, and claim any benefits under article 14 of the treaty of 1830? A No sir.

These two commissions were appointed because of the complaints of Choctaw Indiansthat Colonel William Ward had refused to receive their names for registration under article 14 of the treaty of 1830, and because of his refusal these Indians had their land and improvements in the old Choctaw Nation taken from them by the government and sold at its public land sales.

Q Do you know if any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their lands had been taken from them by the government and sold.

Q Do you understand or speak the Choctaw language? A No sir.

Q Have you any other evidence that you want to give now or submit? A No sir.

By W H Twine, attorney for applicant: We ask for 30 days time in which to file additional testimony.

By the Commission: 30 days time is allowed in this case in which to introduce other testimony,if applicant desires, in support of this claim.

This applicant has the appearance and physical characteristics of being descended from African parentage; she does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 22nd day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 27 day of January, 1903.

Charles N. Sawyer

Notary Public.

M.C.R. 6621

COPY.

Muskogee, Indian Territory, August 7, 1903.

Rosanna Loid,

Marlin, Texas.

Dear Madam:

You are hereby advised that on the 7th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Louisa Randolph, et al., embracing the following applications for identification as Mississippi Choctaws:

Louisa Randolph, et al.,	M.C.R. 6489
Rosanna Loid, et al.,	M.C.R. 6621
Harrison Randolph, et al.,	M.C.R. 6494
Cora Reed, et al.,	M.C.R. 6490
Thalice Randolph,	M.C.R. 6495
Tennessee Stephenson,	M.C.R. 6491
Hiram Hatter, et al.,	M.C.R. 6496
John Overall, Jr.,	M.C.R. 6497
Hiram Lowe, et al.,	M.C.R. 6493
Louis Lowe, et al.,	M.C.R. 6492

These applications were made under the provision of the act of Congress of June 28, 1898 (3 0 Stats.,495)which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisa

Randolph, Archie Randolph, Hunnicutt Randolph, Napoleon Randolph, Mercy Randolph, Charlie Randolph, Albertine Randolph, Scheley Randolph, Florence Randolph, Augusta Aileen Randolph, Mattie Moore, Rosanna Loid, Luella Loid, Verilee Loid, Archie B.Loid, Harrison Randolph, Theodore Randolph, Sam Houston Randolph, William McKinley Randolph, Clara Mitchell Randolph, Cora Reed, Lola Reed, Booker T. Reed, Thalice Reed, Thalice Randolph, Tennessee Stephenson, Hiram Hatter, Charlie Hatter, Willie Ed Hatter, John Henry Hatter, John Overall Jr., Hiram Lowe, Decia Lowe, Viola Lowe, Louis Lowe, Ruthie Lowe, Jim Lowe, Nellie Lowe, Louis Lowe(2), Deborah Lowe, Boydie Lowe, Lulishus B. Lowe and Bessie Lowe, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) E. B. Meadlee.
Commissioner in Charge.

Register.

M.C.R. 6621

Muskogee, Indian Territory, April 30, 1904.

Rosanna Loid,

Marlin, Texas.

Dear Madam:

You are hereby notified that on the 19th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Louisa Randolph et al., of which decision you were advised by registered mail on the 7th day of August, 1903.

Respectfully,

Chairman.

a6621 No. 6621

For Identification as a Mississippi Choctaw.

Date JAN 22 1903

Name Rosanna Loid

Age 30 Blood 1/4

Post Office, Marlin, Texas

Father: Archie Randolph, l.

Mother: Louisa " — l.

Claims through mother

Husband

Foster Loid, l. col.

No claim for husband

Children:

Luella Loid, F. 7

Verilee " F. 3

Archie B. " F. 1

Claims for self and 3 minors

Stenographer N. H. Martin-

R. 1902

A MISSISSIPPI CHOCTAW.

Rosama. Loid et al

REFUSED

NOTICE MAILED ATTORNEY FOR APPLICANT.
AUG 7 1903
RECORD FORWARDED DEPARTMENT.
AUG 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO CHOCTAW
AND CHICKASAW AGENCY.

Choctaw MCR 6622

William W. N. Daniel

MCR 6622

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William W. N. Daniel, et al., for identification as Mississippi Choctaws, consolidating the applications of:

William W. N. Daniel, M.C.R. 6622
Murry Daniel, et al., M.C.R. 6629

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of William W. N. Daniel, to the Dawes Commission for identification as a Mississippi Choctaw----------	1
Joint affidavit of Elisha and Eliza Drigger----------	9
Affidavit of J. P. Corbitt----------	10
Affidavit of W. N. Daniel----------	11
Petition of W. N. Daniel addressed to the citizenship committee Choctaw Nation----------	13
Application of W. N. Daniel-addressed to the committee on citizenship of the Choctaw Nation----------	15
Certified copy of certificate of S. B. Hall, et al. to the character of Wesley N. Daniel----------	16
Affidavit of W. N. Daniel----------	18
Original application of Murry Daniel, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	20
Decision of the Commission refusing the applications in the consolidated case of William W. N. Daniel, et al., for identification as Mississippi Choctaws----------	25

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#6632

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 22, 1903.

In the matter of the application of William W. N. Daniel for the identification of himself as a Mississippi Choctaw.

(N O A T T O R N E Y)

William W. N. Daniel being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A William W. N. Daniel.
Q What is your age? A Well, I couldn't say anything more than what I have learned; there was two of us that 'listed in the army——
Q Well, don't talk so much; just tell us your age? A Thats wherein I just want you to ask me just such questions as you want me to answer.
Q Here, tell your age and stop talking? A I was born in '23; there was two of us of thesame name, and I dont know which one it is; I was 'listed in the army as born in '23, but I dont know whether they got us mixed up or not, we were——
Q Were you born in 1823? A Thats what I 'listed for.
Q If you were born in 1823 you would be 80 years old now, or 79, do you claim to be 79? A If I live to see the 4th day of next month I will be 80, if I got my right name when I went in the war.
Q But you and the other fellow got mixed up, and you dont know which you are; you dont know whether you are the other fellow and he is you or not? A We were own cousins, and both gave the name of Wesley and both named Daniel.
Q And you dont know whetheryou are he and he is you? A No, I dont know whether I got my own name or the other name.
Q Perhaps he is the Mississippi Choctaw, if you dont know whether he is you, you may be this other fellow? A No sir, he's a white man.
Q Well, if you dont know which is which he may be the Choctaw and you the white man? A My looks show that; he is a fair-skinned man, and I am dark skinned.
Q What is your post office address? A Tallihina.
Q Indian Territory? A Yes sir, Choctaw Nation.
Q How long have you lived in the Choctaw Nation, Indian Territory? A I think it was in '84,- or '74 I think it was when I come here.
Q Now, where did you come from when you came to the Choctaw Nation, Indian Territory? A South Carolina.

Q Where did you live in South Carolina? A Kershaw District.
Q How long did you live in South Carolina? A Ever since I was a little kid until after the war.
Q You were in the war were you? A Yes sir.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A I dont recollect the county, I warn't big enough.
Q Did you ever hear what county? A No sir.
Q How long did you live in Mississippi? A My mother an father were raised there.
Q How long did you live there? A I think I have hearn my mother say I was 6 or 8 years old when I left there.
Q And went where? A South Carolina; there was twenty families went fro there the same time.
Q Is your father living? A No sir.
Q Is your mother living? A No sir, she died about '62.
Q What was your father's name? A We always called him William Daniel, if he had any double name I never knowed it.
Q What was your mother's name? A She had a double name; her name was Easter Mary Meoma, but we always called her Mary.
Q Now, she married a Daniel, did she, that Easter Mary Meoma was maiden name? A These three names was her given name, Bond was her other name; thats her maiden name.
Q Before she married Easter Mary Meoma Bond was her maiden name? A Yes sir.
Q Do you claim your Choctaw blood through your father or mother? A My mother; she was a full half breed; my father had some Choctaw and some Chickasaw in him, but I cant tell you exactly what part.
Q Do you claim through your father at all? A No sir, I never have claimed nothing from the Chickasaws.
Q You claim Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A I dont know what that would give me; she was a full half breed I know; she looked more like a full blood than some of these that are here now.
Q She was a half blood Choctaw? A Yes sir.
Q You claim your Choctaw blood only through your mother, and she was one half; you would be one quarter? A Yes sir.
Q Is that what you claim? A Yes sir.
Q You claim one quarter? A Yes sir.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir, I have papers here----
Q Has she ever been enrolled in the Indian Territory? A Thats what I want to find out; her mother----
Q Did she ever live in the Indian Territory? A O, yes,-- not in this territory.
Q In this territory in the Choctaw Nation? A O, no, not in this Choctaw Nation; in Mississippi.
Q She never lived in the Indian Territory then? A Yes sir.
Q She died in Mississippi? A She died in South Carolina in '62.
Q You are married? A Me married?
Q Yes, you? A Yes sir.
Q Wife living? A Yes sir.

Q What is her name? A She was a Scott, Elizabeth Scott.
Q That was her maiden name? A Yes sir, Scott was.
Q Now she is Elizabeth Daniel? A Yes sir, thats right.
Q Is she a white woman? A Yes sir, she has fair skin, but she is the only one of the family that is: she is the only one but what shows Injun, but she dont look like she had any Injun.
Q Do you claim she is white? A Yes sir, I should judge her to be white; she is red-headed and fair-skinned.
Q You dont make any claim for her town as a Choctaw? A No sir, I cant say she has any Choctaw blood in her at all.
Q Now, then, have you any children under twenty-one years of age: if so I will take their names? A I never have had but one child, and he was born in '60.
Q You sit in for yourself alone do you? A Yes sir, but he knows it a heap clearer than I do; everybody knows he is an Injun; he is living on his own place now that he was put in.
Q What is his name? A Marrow Daniel.
Q Where does he live? A In Talihina.
Q Has he ever been made a Choctaw citizen or admitted to citizenship in the Choctaw Nation? A No sir, but then he has been raised right here ever since he was eight years old, and he has been doing nothing but citizenship duty ever since,- he and him both.
Q Has he ever been admitted as a citizen of the Choctaw Nation by the Choctaw tribal authorities or the United States authorities; he never has made any application has he? A No sir, he never has made any application.
Q You never have made any yourself? A They have had papers here these years I reckon, but it never has been before the Commission.
Q Now you been before the Dawes Commission before? A I went and talked with the Dawes at Talihina, but never had my witnesses and——
Q How long ago was that? A The first time I met the Dawes,-I dont recollect.
Q Was it this year or last year or when? A Three years ago I reckon, the first time, and then there is a gang of them now at Muskogee, or was here three or six ago. And I talked with the head man and he said I would have to go to Muskogee.

The records of the commission examined, and the name of William W. N. Daniel is not found anywhere upon any of said records in the possession of the commission as an applicant for any rights as a Choctaw Indian by blood or as a Mississippi Choctaw.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Yes sir, thats how come me to get these papers I have got now?
Q The records do not show that you have ever made application; what papers have you got? A I haven't got any with me; Colonel Winton wrote to me to send the papers back.
Q You are speaking now, are you not, about having been to Dukes before he was governor, and he said he would see what he could do to get you enrolled? A Yes sir, that was before the Council.
Q Have you ever paid any money for services of anyone to get you

admitted as a citizen? A No sir, never have had no use to.
Q Whoever did anything for you befor- the Council in order to get your rights as a Choctaw citizen? A I have taken three trips to council and every time I went they warn't doing nothing whatever.
Q Well, come down to facts, and just answer my questions? A Well, you just ask me the questions you want me to answer.
Q Well, now make it as brief as you can and go right on and tell me about your goingbefore the Council, what you did, but make it as short as you can? A I never have been before the Council except one time before Governor Dukes.
Q You went before Governor Dukes and he said he would get you admitted, did he? A He took my papers, and just requested one more paper, and lawyer Yokey,--
Q Then you went to a lawyer, did you? A Yes sir, and sent them a witness for me, you know.
Q To identify you as a Choctaw citizen? A Yes sir.
Q You paid this lawyer something did you not? A No sir, I never have paid him a cent on it.
Q He did it for nothing did he? did the Choctaw Council ever admit you as a citizen, and enroll you? A I couldn't answer that question, because I dont know whether they did or not; I wasn't there you know.
Q You know pretty well whether you are a member of the Choctaw Nation now or not? A Yes sir,I have been,----
Q Have you been recognized as a citizen or member of the Choctaw tribe? A I have done all citizenship duty.
Q Are you a citizen; answer the question,-- are you a citizen of the Choctaw Nation now? A I have been, and put in a place here.
Q Are you now? A Now, I aint never been admitted, but----
Q Are you a citizen,- can't you answer that question? A I dont know what you consider a citizen.
Q What are you coming before the Commission now for;is it not to be made a citizen? A I have come to be advised, to tell me what to do to get my name on the rolls.
Q Then your name is not on the rolls, is it? A No sir, my name is not on the rolls.
Q You want to be identified as a Mississippi Choctaw? A Thats what I come for.
Q And you are not a citizen now, therefore you come to the Commission to be identified as a Mississippi Choctaw? A Yes sir, you know more about that than I do.
Q All these efforts that were made by you and by anybody for you to become a citizen and get your name on the Choctaw citizenship rolls were defeated, were they not,'way back there? A Not all of them.
Q You never got on did you? A No sir, not that I know of.
Q Is this the first application you have ever made to the Dawes Commission for citizenship in the Choctaw Nation? A Yes, and all the one I have ever made before, but I seen the head man when he was at Talihina and stated the case to him.
Q But you did not make any formal application? A No sir.
Q Never have made application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir, never have before.
Q This is your first application then? A Yes sir, first application.

Q Now, you come here to be identified as a Mississippi Choctaw, do you? A Yes sir.
Q And you claim under 14 of the treaty of 1830? (No response)
Q Or dont you understand that article? A I dont understand that part of it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; it was made on the 27th day of September, 1830. The object of this treaty that was made between the United States government and the Choctaw Indians was to get the consent of the Choctaw Indians to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty; they preferred to stay back there in Mississippi and Alabama. In order to protect those Indians in their rights article 14 was put into the treaty of 1830. An article in a treaty is just simply one of its sub-divisions or parts. So, article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is the article that all Mississippi Choctaws claim under; that is the article that you are claiming under now.

Q Now, do you know whether your mother, or any other Choctaw ancestor of yours, complied with that article; did the things that are stated to have been required in that article; do you know anything about that? A I have here to say she never complied anything.
Q Now, do you claim through your mother? A Yes sir.
Q Can you go back further than your mother? A No sir, I cant go back no further than her Name.
Q Your mother's Name is Easter Mary Neoma Daniel? A Yes sir.
Q Her maiden name was Bond was it? A Yes sir, they always called her Mary; but I dont know which name she was registered under.
Q You say you were born in 1893? A Yes sir.

Q And are therefore 79 years old at the present time; were you living in Mississippi 73 years ago? A No sir, I think I understood my mother and father to say I was about 8 years old when I left there.
Q Was your mother living in Mississippi in 1830, when that treaty was made, and did she have a family there then? A I couldn't tell you that; I didn't know anything about the treaty until I come here.
Q You used to live in Mississippi? A Yes sir.
Q And were born there? A Yes sir, my mother and father both raised there.
Q You were born there 79 years ago? A Yes sir.
Q Your mother then was living in Mississippi in 1823, and how long after your birth did she live there? A Must have been 8 years I reckon; she said I was 8 years old when they left there.
Q Then she was living there in 1830, was she not, when that treaty was made? A I couldn't tell you.
Q If you were born in 1823 and she lived there until you were 8 years old then she would have been living there in 1831, because you add 8 to 1823 and it makes 1831,- perhaps you dont understand arithmetic? A No sir, I haven't any education.
Q Well those figures are right? A Well, to the best of my recollection I think she said 8 years.
Q Then according to your statement your mother was living in Mississippi in 1831, when that treaty was ratified; do you know whether she went to Colonel Ward, the United States Indian Agent, within six months after the treaty was ratified, that would be within six months after the 24th day of February, 183', and told him that she wanted to stay in Mississippi, take land there and become a citizen of the states, do you know? A I couldn't say, sir.
Q Did you ever hear your mother say anything about the treaty of 1830 or anything about Colonel William Ward, the United States Indian Agent? A No sir, not that I recollect of.
Q How did your mother look, was she a dark woman? A O, yes, she was a dark woman; darker than Governor Dukes is.
Q You see these Choctaw Indians, the full bloods, was she as dark as a full blood? A No sir, I have seen some full bloods here darker than she was, but she was dark skinned.
Q Have black eyes? A Yes sir, and her hair was black as coal.
Q Was her hair long and coarse or fine? A Pretty coarse, her hair was.
Q Did she speakthe Choctaw language? A I never heard her talk any of it.
Q How old were you when your mother died? A Somewheres in about 30, but I can't tell you just how old.
Q Now, as I understand you, Mr. Daniel, your mother moved when you were about 8 years old from Mississippi, and went where? A To South Carolina.
Q And she died there? A Yes sir.
Q Do you know whether she ever went back to Mississippi at any time after she removed from the state? A Not that I recollect.

Q To the best of your recollection she left Mississippi move where about 1831, or about that time? A Somewhere in about there.
Q You can't say exactly, but somewhere about there? A Yes sir.
Q Do you know whether she or any Choctaw ancestor of yours lived on land in the old Choctaw Nation either in Mississippi or Alabama ~~xxxxxxxxx~~ for five years, and at the end of that time whether she received a patent from the government for the land under article 14 of the treaty of 1830? A No sir, I dont think they did.
Q Did she or any other Choctaw ancestor of yours go fro the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A No sir, I dont recollect.
Q Did she or any other Choctaw ancestor of yours go fro the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today? A No sir, I dont recollect.t at any of them ever went back.
Q She did not come to the Territory; she went to South Carolina? A Yes sir, South Carolina.
Q And you are the only one of your family that ever came to the Territory? A Yes sir, I am the only one of the family that ever came.
Q Your mother never came? A No sir, she died before I came.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830, do you know? A No sir, I don't know.
Q Did any of them go before the commission of 1837 or the commission of 1842, and claim any benefits under article 14 of that treaty, to you know? A No sir, I dont know.

These commissions were appointed to hear claimants who stated that they had registered under Colonel Ward, or attempted to register, under article 14 of that treaty, but that he had refused to receive their names for registration, and because of his refusal these Choctaw Indians who went to him and were refused had their land taken from them in the old Choctaw Nation by the government and sold.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Miss issippi, Alabama, Louisiana or Arkansas, which was issued under an act of Congress approved August 23rd, 1842? A Not that I know of.

This scrip was issued under this act of Congress and given to those Choctaw Indians who prove their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government.

Q Do you speak the Choctaw language? A I can, not much; my people used to talk it.
Q Is there anything else you want to say, or any documentary evidence you want to submit? A No sir.

30 days time is allowed this applicant, because he is not represented by an attorney, in order that he may introduce other testimony in support of this claim, if he desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; he claims to be one quarter Choctaw Indian; he has dark eyes, and his hair is now turning gray.

Q What was the color of your hair formerly? A It was always black.

His hair was formerly black; his skin is darker than the average white man; and as he states he may have a quantity of Choctaw blood; the Commission is unable to determine the exact quantity. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 23nd day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 24 day of January, 1903.

Charles K. Sawyer
Notary Public

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application of William W. N. Daniel, et al., for identification as Mississippi Choctaws, consolidating the applications of:

William W. N. Daniel	M.C.R. 6622
Murry Daniel, et al.,	M.C.R. 6629

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by William W. N. Daniel for himself; and by Murry Daniel for himself and his seven minor children, Willie H., Sammie, Pearl Elizabeth, Rosie L. M., Harry, Dodie and Jack Daniel, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of William (or W. M.) Daniel (or Daniels), who is alleged to have been a Choctaw Indian, degree of blood not stated, and Easter Mary Meoma (or Naomi, or Meomi) Daniel (or Daniels), nee Bond, who is alleged to have been an one-half blood Choctaw Indian, and both to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said William (or W.M.) Daniel (or Daniels), or Easter Mary Meoma (or Naomi, or Meomi) Daniel (or Daniels), nee Bond, or applicant William W. M. Daniel signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and

August 23, 1842 (8 Stats., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William W. E. Daniel, Murry Daniel, Willie H. Daniel, Sammie Daniel, Pearl Elizabeth Daniel, Rosie L. M. Daniel, Harry Daniel, Dodie Daniel and Jack Daniel, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,

AUG 4 1903

M C R 6622

COPY.

Muskogee, Indian Territory, August 4, 1903.

William W. N. Daniel,

Talihina, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William W. N. Daniel, et al., embracing the following applications for identification as Mississippi Choctaws

William W. N. Daniel,	M C R 6622
Murry Daniel, et al.,	M C R 6629

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William W. N. Daniel, Murry Daniel, Willie H. Daniel, Sammie Daniel, Pearl Elizabeth Daniel, Rosie L. M. Daniel, Harry Daniel, Dodie Daniel and Jack Daniel, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

W W N D 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

(SIGNED)
T. B. Needles.
Commissioner in Charge.

Register.

M C R 6622

COPY.

Muskogee, Indian Territory, August 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William W. N. Daniel, et al., embracing the following applications for identification as Mississippi Choctaws:

William W. N. Daniel M C R 6622
Murry Daniel, et al., M C R 6629

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William W. N. Daniel, Murry Daniel, Willie H. Daniel, Sammie Daniel Pearl Elizabeth Daniel, Rosie L. M. Daniel Harry Daniel Dodie Daniel and Jack Daniel, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be rejected, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)
T. B. Needles.
Commissioner in Charge.

Muskogee, Indian Territory, August 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William W. E. Daniel, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 4, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

William W. E. Daniel, M.C.R.6622;
Murry Daniel, et al., M.C.R.6629.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also inclosed the joint argument of Wm. W.E.Daniel and Murry Daniel, received subsequent to rendition of decision.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

3 Enc.: M.C.R.6622.

M.C.R. 6622

Muskogee, Indian Territory, August 20, 1903.

William W. N. Daniel,

Talihina, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of joint affidavit of yourself and Murry Daniel, which is offered in the matter of your applications for identification as Mississippi Choctaws and the same will be transmitted to the Secretary of the Interior for consideration in connection with the record in the matter of the application of William W. N. Daniel, et al., for identification as Mississippi Choctaws.

Respectfully,

Commissioner in Charge.

(COPY)

DEPARTMENT OF THE INTERIOR

Land. OFFICE OF INDIAN AFFAIRS

54353-1903. WASHINGTON July 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith for your consideration the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties, to wit: William W. N. Daniel for himself, Murray Daniel for himself and his seven minor children, Willie H., Sammie, Pearl Elizabeth, Rosie L. M., Harry, Dodie and Jack Daniel, wherein a decision adverse to the applicants was rendered by the Commission August 4, 1903.

The testimony in this case shows that the applicants base their claim to identification by reason of their descent from William Daniel or (Daniels) and Easter Mary Meoma or (Maomi) or (Meomi) Daniel or (Daniels) nee Bond, who it is alleged were Choctaw Indians and resided in Mississippi in 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply

with the provisions of the fourteenth article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

The records of this office have been examined in reference to the names of William Daniel or (Daniels) and Easter Mary Meoma or(Maomi) or(Meomi) Daniel or (Daniels) nee Bond, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the said article and treaty, neither does it appear that they applied to either of the Commissions appointed under acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

It is therefore the opinion of this office that the decision of the Commission rejecting these applicants is correct, and I concur in that finding and recommend its approval.

Very Respectfully,

CTC-D

A. C. Tonner.
Acting Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR W.C.F.

DC

23865-1904. WASHINGTON FHE

I.T.D. 5430-1904. July 8, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

August 20, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of William W. N. Daniel for himself; of Murray Daniel for himself and his seven minor children, Willie H., Sammie, Pearl Elizabeth, Rosie L. M., Harry, Dodie and Jack Daniel, including your decision of August 4, 1903, refusing to identify them as such.

Reporting in the matter July 1, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.
Acting Secretary.

1 inclosure.

M.C.R. 6622

COPY

Muskogee, Indian Territory, July 23, 1904.

William W. N. Daniel,

Talihina, Indian Territory,

Dear Sir:

You are hereby notified that on the 8th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William W. N. Daniel et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

(SIGNED)

Commissioner in Charge.

M.C.R. 6622

COPY.

Muskogee, Indian Territory, July 23, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 8th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William W. N. Daniel et al., of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

MCR 6622

Muskogee, Indian Territory, January 12, 1906.

Leonard A. Wiygul,
c/o Wister Drug Co.,
Wister, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, requesting to be advised if there is any possible way in which further testimony can be submitted in support of the Mississippi Choctaw case of William Wesley Newberry Daniels.

In reply to your letter you are informed that on July 8, 1904, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered August 4, 1903, refusing to identify as Mississippi Choctaws the several persons included in the consolidated case of William W. N. Daniel, et al., of which Departmental action the applicants were duly advised July 23, 1904.

This office now has no authority to receive or consider any further evidence in support of the claim of William W. N. Daniel, unless said case be reopened by the Secretary of the Interior. In this connection you are advised that motions for rehearings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required

to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied with the provisions of the 14th article of the Choctaw treaty of 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show, how, when, and where said wit-

L A W S

nesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Commissioner.

MCR 6622

Muskogee, Indian Territory, January 24, 1906.

Leonard A. Wiygul,

c/o Wister Drug Company,

Wister, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, requesting to be furnished with a copy of the decision rendered by the Commission to the Five Civilized Tribes on August 4, 1903, in the consolidated Mississippi Choctaw case of William W. N. Daniel, et al.

In compliance with your request a copy of said decision is herewith enclosed.

Respectfully,

Acting Commissioner.

McM 24/1

M C R 6622

Muskogee, Indian Territory, February 3, 1906.

Leonard A. Wiygul,

c/o Wister Drug Co.,

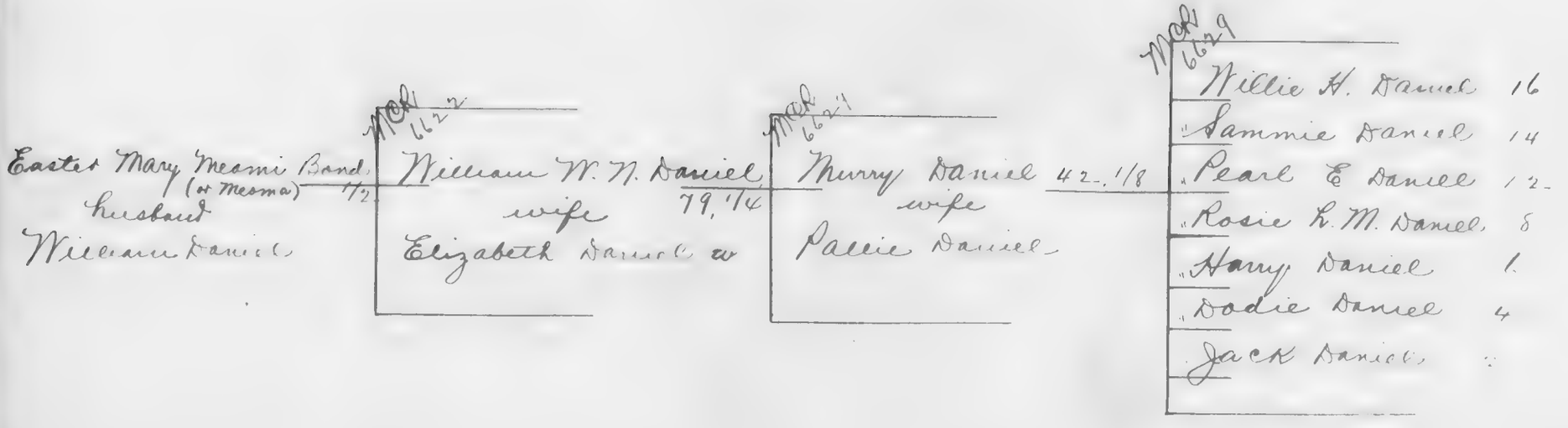
Wister, Indian Territory.

Dear Sir:

Replying to your letter of January 27th you are informed that in all Mississippi Choctaw cases where a decision is rendered adverse to the applicants, and said decision is affirmed by the Secretary of the Interior, the original record is retained by the Department and is not returned for the files of this office. Therefore we are unable to comply with your request that you be furnished with a certified copy of the evidence as submitted in the consolidated Mississippi Choctaw case of William W. N. Daniels, et al.

Respectfully,

Acting Commissioner.


Mark 662 x
Easter Mary Meami Band (or Meama) 1/2
husband
William Daniel
William W. N. Daniel 79.14
wife
Elizabeth Daniel w
Mark 662 1
Murry Daniel 42.1/8
wife
Pallie Daniel
Mark 662 9
Willie H. Daniel 16
" Sammie Daniel 14
" Pearl E Daniel 12
" Rosie L. M. Daniel 8
" Harry Daniel 1
" Dodie Daniel 4
" Jack Daniel

N. FREEDMEN ROLL.

THER	FATHER'S TRIBAL ENROLLMENT			FATHER'S OWNER	NAME OF MOTHER	
	YEAR	BAND	No.			
				Consolidated Roll	Wieliam W. 71. Daniels	REFER TO M.C.R. 6 2 2.

2 6622 No.

For Identification as a Mississippi Choctaw.

Date JAN 22 1903

Name William W. N. Daniel

Age 79 Blood 1/4

Post Office. Talihina I. T.

Father: William Daniel, d.

Mother: Easter M. M. " d

Claims through mother 1/2

Wife,
Elizabeth Daniel, W.
No claim for wife.

Children:

Claims for self alone

Stenographer W. H. Martin

William H. H. Daniel

ACTION APPROVED BY

JUL

DEC

Choctaw MCR 6623

Giles Oldham

MCR 6623

#3623.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 24, 1903.

In the matter of the application of Giles Oldham for the identification of himself and his four children, Samuel, Carrie, Dow, and Walter Oldham, as Mississippi Choctaws.

Giles Oldham being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Giles Oldham.
Q What is your age? A I will be 62 the 16th of next August.
Q 61 now? A Yes sir.
Q What is your post office address? A Pitts Bridge.
Q What state? A Texas.
Q How long have you lived there? A All my life.
Q Were you born in Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Major Oldham,— William Oldham, he was Major in the war and everybody calls him Major.
Q What is your mother's name? A Phyllis Oldham.
Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q You dont claim any through your father? A No sir.
Q How much Choctaw blood do you claim? A I dont know, sir, I reckon about three eighths.
Q What is your other blood besides your Choctaw blood? A White folks.
Q You are mixed white and Indian? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living now? A Yes sir.
Q What is your wife's name? A Patreta.
Q How do you spell it? A P-a-t-r-e-t-a Oldham.
Q What is her blood or nationality? A Colored people.
Q Is she all colored? A Yes sir, all colored.
Q You dont make any claim for her as a Choctaw? A No sir.
Q Now, give me the names of your children under twenty-one and unmarried that you want to make application for? A Samuel.
Q A boy? A Yes sir.
Q How old is Samuel? A 18.
Q The next? A Carrie.
Q How old is Carrie? A 17.

Q The next? A Dow.
Q Boy? A Yes sir.
Q How old is he? A 15.
Q The next? A Walter.
Q How old is Walter? A 13.
Q Is Patreta, your wife, the mother of these children? A Yes sir.
Q Are you and your wife living together as husband and wife and these children living with you at your home? A Yes sir.
Q They claim their Choctaw blood through you? A Yes sir.
Q And colored blood through their mother? A Yes sir.
Q And also some white blood from you? A Yes sir.
Q When were you married to her? A I dont recollect; just after the war; I believe the first year after the war.
Q Where were you married? A Right close to where I am living.
Q What state? A Texas.
Q By a minister under a license? A Yes sir.
Q Have you the proof of your marriage with you now? A No sir,I have not.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nationby any authority whatever up to the present time? A No sir,
Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A No sir.

The treaty of 1830 was made at a place in Mississippi called Dancing Rabbit Creek between the United States government and the Choctaw Indians on the 27th day of September of the year 1830. The object of the treaty was to remove the Choctaw Indians, who lived in the old Choctaw Nation east of the Mississippi river, from that old Nation to the Choctaw Nation, Indian Territory. Before this treaty was signed it became known that a good manyChoctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who wanted to stay back in the old Choctaw Nation, and who were determined to stay there, article 14 was put into the treaty of 1830. Now, article 14 of that treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying their intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half

that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, inthat case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not tobe entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty, as read and explained to you? A No sir, I dont.
Q What is the name of your Choctaw ancestor or ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A My ma, Phyllis Oldham.
Q Go back as far as you can? A Her mother and father.
Q What was her father's name? A Jim Early.
Q And you say through Jim Early's wife? A Yes sir, Patsey.
Q How much Choctaw blood did Jim Early have? A Well, I dont recollect about that, but I think about three quarters; I dont recollect exactly.
Q How much Choctaw blood did Patsey Early have? A I think she was a full blood, or about it.
Q What relation were they to you, grandfather and grandmother? A Yes sir.
Q Did they live in Mississippi or Alabama? A In Mississippi.
Q Did they live there in 1830 and have a family there then? A Well now, she was small when they went away from there to Missouri, and I think he died in Missouri somewhere.
Q Were they married in Mississippi? A Yes sir, I reckon so; A Yes sir, they must have been.
Q That was 72 or 3 years ago? A I dont know.
Q You dont know whether they were married and living in Mississippi in 1830? A No sir.
Q But you know they used to live in Mississippi? A Yes sir.
Q Was Jim born in Mississippi? A I couldn't tell you.
Q Was his wife, Patsey, born there? A I think so.
Q Did either of them live in Alabama? A Not that I know of.
Q Do you know whether either of them within six months after the treaty of 1830 was ratified, that would have been within six months after the 24th day of February, 1831, went to Colonel Ward, the United States Indian Agent, and registered or attempted to register under article 14 of the treaty of 1830? A No sir, not as I know of.
Q Did either of them hold any land or claim any land in that old Choctaw Nation, and live upon that land for five years, and at the end of that time get a patent or deed from the governant for the land which they occupied during that time? A No sir, I dont know.
Q Did either of them claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A Not as I know of.
Q Did either Jim Early or Patsey Early, or any other Choctaw ancestor of yours, go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838, or '40? A Not as I knowof.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the

treaty of 1830 and the dateof this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir.

Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830 or 1831? A Not as I know of.

Q Do you know whether Jim Early claimed through his father or mother or both? A No sir.

Q Did Patsey Early claim through her father or mother? A I dont know.

Q Do You know the names of the parents of either Jim Early or Patsey? A No sir.

Q That is as far back as you can go? A Yes sir.

Q How old is your mother, Phyllis now? A She must be in ninety something; I dont know; in ninety somewhere; she dont know her own age exactly.

Q Did either of your Choctaw ancestors, Jim Early or Patsey Early, or any other Choctaw ancestor of yours, go before the Commission of 1837 or the Commissionof 1842, and claim any benefits under article 14 of the treaty of 1830? A No sir.

These two commissions were appointed one in 1837 by an act of Congress approved March 3rd, of that year, and the other in 1842, by an act of Congress approved August 23rd of that year, for the purpose of hearing Choctaw Indian claimants, who claimed that they had gone to Colonel Ward within six months from the ratification of the treaty of 1830, and had attempted to register under article 14 of that treaty, but that Colonel Ward had refused to register them, and because of his refusal the government took the land which these Indians had in the old Choctaw Nation and sold it at its public land sales.

Q You dont know whether any of your Choctaw ancestors applied for any relief before either of these Commissions? A No sir.

Q Did any of them receive any scrip fromthe government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold.

Q Would you like to have your case combined with the case of your mother, Phyllis Oldham? A Yes sir.

Q Hugo Oldham is what relation to you? A My brother.

The case of Phyllis Oldham, N.C. R. 6503, is here referred to for the purpose of consolidation; also the case of Hugo Oldham, a brother of this applicant, N.C. R. 6504.

Q Is there anything more you want to say now in support of this claim? A No sir, thats all I can think of.

Q Do you speak Choctaw or understand that language? A No sir.

Q You have no attorney? A No sir.

This applicant is allowed 30 days from this date in order to submit other testimony, if he desires, in this case.

This applicant has the appearance and physical characteristics of being descended fromwhite parentage; he has black eyes; complexion medium light; hair is gray.

Q What was the color of your hair at one time? A Black as anybody's, my beard too,- black as my son's.

Hair and mustache now gray; he says his hair was formerly black, mustache too. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn onoath states that as stenographer to the Commission to the Five Civilized Tribes he recorded infull the above proceedings at Muskogee, I.T., on the 24th day of Janyaru, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 29 day of January, 1903.

Charles N. Sawyer
Notary Public.

M C R 6623

Muskogee, Indian Territory, February 24, 1903.

Noah DeGrate, Sr.,

Downsville, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask to be advised whether you have a claim in the Choctaw Nation or not. You state that your grandmother was a full blood Choctaw and was stolen in Mississippi about the year 1850 and put in slavery.

In reply to your letter you are informed that it appears from the records of the Commission that Noah DeGrate, forty years of age, residence Downsville, Texas, is an applicant to this Commission for the identification of himself and six minor children as Mississippi Choctaws.

If you are the identical person named in the above application, you are advised that the Commission has not up to the present time reached any opinion or decision in your case. As soon as a decision is rendered you will be notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

M C R 6623

Muskogee, Indian Territory, March 5, 1903.

Giles Oldham,

Post Office box #165,

Rockdale, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, in which you ask to be allowed thirty days in which to furnish evidence in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

In reply to your letter you are informed that you will be allowed up to and inclusive of March 25, 1903, within which to submit additional evidence in support of your case.

Respectfully,

Chairman.

Mch 20 1901

Received of the Commissioner to the Five Civilized Tribes one copy of the Testimony in the case of Giles Oldham et al

M & R 6623

M C R
6623-6502
6803-6504

Muskogee, Indian Territory, July 21, 1903.

J. S. Oldham,

Rockdale, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask to be advised the status of the Mississippi Choctaw cases of yourself, Giles, Hugo and Phyllis Oldham. You also ask if the deposition of Ann Gonsales has been received in support of these cases.

In reply you are informed that it appears from our records that James S Oldham, Hugo Oldham, Phyllis Oldham and Giles Oldham made application to this Commission for identification as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision relative to their right to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission.

On April 9, 1903, the Commission received the deposition of Ann Gonsales, offered in support of the claims of the above mentioned persons.

Respectfully,

Commissioner in Charge.

M.C.R. 6623.

Muskogee, Indian Territory, November 24, 1903.

Giles Oldham,

Pittsbridge, Texas.

Dear Sir:

You are hereby advised that on the 24" day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Phyllis Oldham et al., embracing the following applications for identification as Mississippi Choctaws:

Phyllis Oldham,	M.C.R. 6502
Jennie Wesley, et al.,	M.C.R. 6970
Annie M. Smith, et al.,	M.C.R. 7916
Giles Oldham, et al.,	M.C.R. 6683
James S. Oldham, et al.,	M.C.R. 6503
Hugo Oldham, et al.,	M.C.R. 6504
Austin Oldham, et al.,	M.C.R. 6971

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as folows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Phyllis Oldham, Jennie Heslep, Robert Heslep, Annie M. Smith, Luella Laws, Jessie Laws, Hattie Smith, Giles Oldham, Samuel Oldham, Carrie Oldham, Dow Oldham, Walter Oldham, James S. Oldham, Willie Oldham, Hugo Oldham, Ellen Oldham, Hugo Oldham, Jr., Willard Oldham, Austin Oldham, and Henry Oldham, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Chairman.

Register.

M.C.R.6623

Muskogee, Indian Territory, March 11, 1904.

Giles Oldham,

Pittsbridge, Texas.

Dear Sir:

You are hereby notified that on the 24th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Phyllis Oldham, et al., of which decision you were advised by registered mail on the 24th day of November, 1903.

Respectfully,

(SIGNED)

T. L. J. Leslie.

Commissioner in Charge.

6623 No. 6623.

For Identification as a Mississippi Choctaw.

Date JAN 24 1903

Name Giles Oldham

Age 61 — Blood 3/8 —

Post Office. Pitts' Bridge, Texas.

Father: ~~Major~~ William Oldham, d.

Mother: Phyllis " l.

Claims through mother,

Wife,

Patreta Oldham l. colord.

No claim for wife.

Children:

Samuel Oldham.		18
Carrie	"	17
Dow	" M	15
Walter	"	13

Claims for self & 4 minors.

Stenographer W. A. Martin.

FOR IDENTIFICATION R.

AMONG THE CHOCTAW

Giles Oldham et

REFER TO M. C. R.

Choctaw MCR 6624

Henry Harrison

MCR 6624

#6624.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 24, 1903.

In the matter of the application of Henry Harrison for the identification of himself and his minor child, Henry Harrison, Jr., as Mississippi Choctaws.

S. W. Isaac, Attorney for Applicants.

Henry Harrison, being duly sworn, testifies as follows:

Examination by the Commission.

Q What is your name? A Henry Harrison.
Q What is your age? A 78.
Q What is your post office address? A I get it at Gilmore when I do get any; I have just come in the Territory.
Q Where do you live now? A Out here on Snake Creek.
Q Where will you get your mail? A Beggs.
Q Indian Territory? A Yes sir.
Q Is that near Okmulgee? A Yes sir.
Q How long have you lived in the Indian Territory? A Me? Been here about five or six weeks.
Q Where did you live before that? A In Texas.
Q Where in Texas? A Eastern Texas.
Q How long have you lived in Texas? A About 21 years.
Q Where did you live beforeyou lived in Texas? A I lived in Alabama, in Georgia,- that was before that; the first place I come from I come from down here in--- I cant call the name of the place.
Q Alabama? A No sir,
Q Arkansas? A No sir.
Q Where did you come from then? A Mississippi.
Q Where were you born? A In Mississippi, and we moved into Texas.
Q Were you a slave in Mississippi? A Yes sir, I was a slave in Mississippi.
Q Were you freed during the war? A Yes sir.
Q Do you know how long you lived in Mississippi? A No sir, I dont; I was small then.
Q Is your father living? A He's dead I reckon; I dont know sir.

Q Is your mother living or dead? A She's dead.
Q What was your father's name? A My father,- I dont recollect what my father's name was.
Q Was he a Negro? A Yes sir.
Q What was your mother's name? A Gibson.
Q Her full name? A I dont know sir,— her name was Kittie.
Q Kittie What? A They called her Kittie is all I know.
Q Kittie Gibson? A Yes sir, thats it.
Q That was your mother's name, Kittie Gibson? A Yes sir.
Q You claim your Choctaw blood through your father or mother? A Father and mother both.
Q How much Choctaw blood did your father have? A I dont know sir how much he had.
Q You said he was Negro a while ago? A He was mixed.
Q Are you sure about that? A Yes sir.
Q How do you know? A Thats what they say, I dont know.
Q He was a slave was he? A Yes sir.
Q Do you know how much Choctaw blood he had? A No sir, I dont know.
Q And you dont know his name? A My father? Yes sir, my father's name was Duncan.
Q What was his full name? A Thats all I know.
Q Was it Charley or Dick or what was it? A My father was-----
Q Of course you know your father's name; you say he was a Duncan? A Yes sir, thats it.
Q He probably had some other name besides Duncan? A I dont know sir.
Q You dont know then? A No sir, I dont know that.
Q Now then, tell me how much Choctaw blood he had, if you can? A I couldn't tell you.
Q How much Choctaw blood did your mother have? A My Mother? My mother was an Injun.
Q How much Choctaw blood did she have; was she a Choctaw Indian? A I reckon so; thats what they said.
Q Dont you know whether she was a full blood or half blood Indian? A She was a full blood Injun.
Q Are you sure about that? A Yes sir, she must have been.
Q How much Choctaw blood do you claim? A Me?
Q Yes, you? A Well, I cant tell you how much it was; my mother was Injun.
Q How about your father,- he was a full blood Negro was he not? A No sir, he wasn't.
Q How much Choctaw blood did he have? A I dont know,sir, how much.
Q How much Choctaw blood have you now? A I dont know sir how much that makes in me; I couldn't tell you.
Q Now then was your mother a slave at any time? A My mother when she was a child she was.
Q Was she freed at the end of the war? A She was freed at emancipation.
Q Was your father freed at that time? A No sir,he was dead I reckon.
Q You were freed by the act of emancipation? A Yes sir.
Q Have your parents ever been recognised or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.

Q Is your wife living now? A My wife? Yes sir.
Q What is her name? A They call her Katie Harrison.
Q Katie Harrison? A Yessir.
Q What is her blood or nationality? A I couldn't tell you.
Q Has she any Choctaw blood at all? A I dont know whether she has any or not.
Q Is she a colored woman? A Yes sir.
Q You dont make any claim for her then? A No sir.
Q Did you say you had one child under twenty-one years of age? A Yes sir.
Q What is that child's name? A Henry, named after his daddy.
Q Henry Harrison, Jr., is he? A Yes sir.
Q How old is Henry Harrison, Jr.? A 18 years old.
Q You claim for yourself and this boy, do you? A Yes sir.
Q Is your wife, Katie Harrison, the mother of Henry? A Yes sir.
Q When and where were you married to your wife, Katie? A I was married in Texas.
Q When? A I dont know how long ago.
Q Before the war? A O, no sir, after the war.
Q Married by a minister? A Yes sir.
Q Did you have a license? A Yes sir.
Q Can you give the date of your marriage? A No sir, I dont know as I can tell you.
Q Have you the proof of your marriage with you now? A No sir, I haven't,-- yes sir, I was married; you have to marry down there.
Q What would they do to you if you didn't marry? A You can't stay with a woman without marrying; if you do they will take you down and tie you up, and then some of them they didn't; some of them just make them marry you know.
Q Got to marry anyway? A Yes sir.
Q Is your name or is the name of your boy, Henry, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, none of them.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory, with this boy? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and this boy to either the Choctaw tribal authorities or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q This is your first application, is it? A Yes sir.
Q Do you now come before the Commission to identify yourself and this boy as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? (No response)
Q Do you understand that article? A No sir, I dont understand it.
Q Do you know what a treaty is? (No response)

A Treaty is an agreement or contract made in writing and signed by the representatives of the Nations who are parties to it. Now, men make agreements in writing between themselves, and they are called agreements or contracts in writing. Nations make the same sort of agreements, but because they are made between Nations instead of between individuals they are called

treaties. Now, an article in a treaty is just simply a part of it,one of its paragraphs or subdivisions. In the year 1830, 73 years ago, and that was about the time you were born, a treaty was made in Mississippi, at a place called Dancing Rabbit Creek, on the 27th day of September of that year, between the United States government and the Choctaw tribe of Indians. The object of that treaty or agreement in writing made between these two nations at that time, was to get the Choctaw Indians togo from the old Choctaw Nation east of the Mississippi river in Mississippi and Alabama, to the Choctaw Nation, Indian Territory. Now, before that treaty was signed by anybody,- before they put their names down on it in writing,- it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory with the other Indians under the treaty. Now, something had to be done for them in that treaty. And what provisions was made for them in the treaty of 1830 was made in what is now called article 14 of the treaty of 1830. That is the article under which you are claiming today,- under which every Mississippi Choctaw makes his claim. Now, I am going to quote it to you just as it is in the treaty, so you will know what it is:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, that is article 14 under which you are claiming; do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty or not? A No sir, I dont know.
Q What is thename of your ancestor or ancestors that you are claiming through now; your father and mother? A Yes sir.
Q Can you go back any further than your father and mother? A No sir.
Q Now, you say that they were both slaves at one tie? A Yes sir.
Q Can you tell anything about Kittie Gibson's father and mother? A No sir, I cant tell anything about her father and mother.
Q Do you know anything about your father's father and mother? A No sir, I dont.
Q Were they living in Mississippi in 1830 and married at that time? A Yes sir, they was living there.
Q You were born in Mississippi? A Yes sir.
Q Seventy-two years ago? A Yes sir.

Q Then you were born in 1831? A Well,I dont know what date, but it has been about that long.
Q Did you have any older brothers or sisters? A One older brother.
Q Was he born in Mississippi? A Yes sir.
Q How much older than you was he? A 18 months older than I was.
Q Then your father and mother were living in Mississippi in 1830, according to that? A Yes sir.
Q But they were not free at that time were they? A No sir.
Q Then they could not have held land at that time, could they? A No sir,-- they had land,-- at least they had land there, but the property, you see, was taken from them and they was carried on up to Alabama and Georgia.
Q When were they carried to Alabama and Georgia? A I couldn't tell you exactly how long that has been; that's how come us in Alabama and Georgia.
Q Did they within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell himthat they wanted to stay in Mississippi, take land there and become citizens of the states? A Not as I know about.
Q They did not live on land in the old Choctaw Nation for five years at any time, and then get a patent fromthe government for the land? A I dont know sir; anyhow they left their property there when they went away.
Q I cant understand how they had property there if they were slaves? A I dont know.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river tothe Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today for the purpose of making a home in the Choctaw Nation, Indian Territory? A I dont know, sir.
Q They never owned any improvements on land in that old Choctaw Nation east of the Mississippi river in 1830? A I dont know,
Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, which scrip was issued under an act of Congress approved August 23rd, 1842? A No sir, I dont know.
Q Did any of your Choctaw ancestors go before the Commission appointed in 1837, or the Commission appointed in 1843, by various acts of Congress, and claim any benefits under article 14 of the treaty of 1830? A Not as I know of.

These commissions were appointed by congress because of the complaints made by Choctaw Indians that their land had been taken from them by the government and sold, and this was occasioned by the neglect of Colonel William Ward, who refused to register their names under article 14 of the treaty of 1830, when they made application to him under that article for registration.

Q Do you speak the Choctaw language? A No sir., Icant talk ~~their language.~~
Q You speak United States, do you? A Yes sir.
Q Have you any other evidence you want to give before the Commission now? A No sir.
Q What relation is Ellen Ford to you? A Half sister.

Q You both had the same mother? A Yes sir, both had the same mother, but different fathers.
Q You give your mother as Kittie Gibson, and she gives her mother's nam as Kittie Harris; is that the same woman? A I reckon they might have called her that.
Q Is Kittie Harris your mother? A Yes sir.
Q How do you have the names different.
Q That was done by marrying my father.
Q Your father's name was not Harris was it? A Harrison.
Q What is your father's full name? A Thats all I know.
Q You gave your father's name as Duncan? A Thats what I go by now, and my name is just changed in this way.
Q And your mother is Kittie Gibson, or as your half sister gives it, Kittie Harris, but they are the sam person? A Yes sir.
Q Ellen Ford's mother and your mother are the same person? A Yes sir.
Q But you prefer to call her Kittie Gibson? A Yes sir.

By S W Isaac, attorney for applicant:
Q Do you know Kittie Gibson's father and mother? A Yes sir.
Q What was her father's name? A Gibson.
Q What was Kittie Gibson's, or Kittie Harris, mother's name? A We call her Gibson, she went by his name, just same as my wife do by mine.
Q What was her given name? A I cant think of that; thats all I know of that.
Q How old would Kittie Harris be if living now? A Thats more than I can tell you.
Q How old are you? A 72, 72 or 3 years old.
Q You have no idea how old Kittie Harris would be? A No sir.
Q Did you ever see this man Gibson, your mother's father? A I have seen him; but I never was much acquainted with him.
Q Did you ever see Kittie Harris's mother to know her? A No sir.
Q Who was Caroline Gibson? A Thats her, that was her mother.
Q Kittie Harris's mother? A Yes sir.
Q I thought you didn't know Kittie Harris's mother's name? A I knew that, but you got it tangled up so I couldn't understand you.

By the Commission: 30 days time is allowed this applicant in which to introduce other evidence, if he desires, in support of this claim.

This applicant has the appearance and physical characteristics of being descended from African parentage; if he has any Choctaw blood it is not apparent in his physical make-up. His hair, color, and features would indicate Negro blood. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 24th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 24 day of January, 1903.

Charles McDaniel Notary Public.

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES a copy of testimony in the following Mississippi Choctaw cases:

Mary Dooly, et al.,	M.C.R.	6804
Henry Harrison, et al.,	"	6624
Mamie Tyson,	"	7414
Peter Kebble,	"	7413
Lena Harris, et al.,	"	7264

S. W. Isaac

M. C. R. 6624.

COPY.

Muskogee, Indian Territory, August 1, 1903.

Henry Harrison, Received Muskogee [illegible] 1903.
Beggs, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Virginia Schooler, et al., embracing the following applications for identification as Mississippi Choctaws:

Virginia Schooler, et al.,	M.C.R. 6614
Lillie Griffin, et al.,	M.C.R. 6615
Ada Wilson,	M.C.R. 6616
Henry Harrison, et al.,	M.C.R. 6624
Judge Womack, et al.,	M.C.R. 6625.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Virginia Schooler, Ida Schooler, Roberta Schooler, George Schooler, Ellen Schooler, Lillie Griffin, Minnie Griffin, Frank Griffin, Zarah Griffin, Ada Wilson, Henry Harrison, Henry Harrison Jr., Judge Womack, Katie Womack, Bertha Womack and Essie Womack, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

(H.H. 2).

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Necâles.
Commissioner in Charge.

Registered.

M.C.R. 6624

COPY.

Muskogee, Indian Territory, August 27, 1904.

Henry Harrison,

Twine, Indian Territory,

Dear Sir:

You are hereby notified that on the 8th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Virginia Schooler, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

6624 No. 6624

For Identification as a Mississippi Choctaw.

Date JAN 24 1903

Name Henry Harrison

Age 72 Blood Don't Know.

Post Office, Beggs, I. T.

Father: ~~Duncan~~ d.

Mother: Kittie Gibson, d.

Claims through both parents

wife.

Katie Harrison, negro.

No claim for wife.

Children:

Henry Harrison Jr. 18

Claims for self and one minor.

Stenographer W. N. Martin.

Henry Harrison

REFUSED.

DECISION PREPARED

Choctaw MCR 6625

Judge Womack

MCR 6625

#6625.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 24, 1903.

In the matter of the application of Judge Womack for the identification of himself and his three minor children, Katie, Bertha, and Essie Womack, as Mississippi Choctaws.

S. W. Isaac, Attorney for Applicants.

Judge Womack being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Judge Womack.
Q What is your age? A 29.
Q What is your post office address? A I haven't had any post-office, but I reckon the nearest post office to me is Beggs.
Q Is that right, Beggs? A Yes sir.
Q Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory? A Been here a little over two weeks.
Q Where did you live before that? A Texas.
Q Where were you born? A Texas.
Q Have you always lived there until you came to the Territory? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Willis Womack.
Q What is your mother's name? A Katie Harrison.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q You dont claim any through your mother? A No sir.
Q How much Choctaw blood do you claim? A Well, I cant hardly tell that.
Q You dont know? A No sir.
Q Do you know how much your father had? A No sir; they said he had right sharp of it in him.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir; I dont know; I was small when he died.
Q Do you know when your father and mother were married? A No sir.
Q Were they slaves at any time? A No sir.
Q Neither of them? A Not as I knows of.
Q Well, if you dont know, you would not say oneway or the other, would you? A No sir, I wouldn't say for certain.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.

Q Is she a colored woman? A Yessir.
Q What is her name? A Lula Womack.
Q Do you make any claim for her? A No sir.
Q Give me the names of your children, beginning with the oldest, under age and unmarried? A Katie Womack.
Q How old is Katie? A Be six years old the 27th of March.
Q Five now? A Yes sir.
Q What is the name of the next one? A Bertha?
Q How old? A She's three years old.
Q What is the name of the next one? A Essie.
Q How old is she? A Two years old.
Q You claim for yourself and three children do you? A Yes sir.
Q Is Lula Womack the mother of these children? A Yes sir.
Q When and where were you married to her? A At Gilmore.
Q Texas? A Yes sir.
Q Do you remember the day of the month and year? A No sir, been about six years ago.
Q Have you the proof of your marriage with you now? A Yes sir.
Q Have you any paper? A No sir, not any paper only just---
Q Well, you have not got the evidence here?

By S W Isaac, attorney for applicant: No, sir he has not.

By the Commission:
Q Are you and your wife living together now as husband and wife and these children living with you at your home? A I dont understand it?
Q Are you all living together at your home, your wife and you and your children? A Yes sir.
Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not as I knows of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory A No sir.
Q Have you ever made anysuch application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q You have heard that read and explained a few moments ago; do think you understand it well enough to claim under it now? A Yes sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remainand become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of

age, and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty, or not? A No sir.
Q What is the name of your ancestor through whom you claim your right now to be identified as a Mississippi Choctaw? A My father.
Q Can you go back any further than your father? A No sir.
Q Does he claim throug his father, or mother, or both? A Mother.
Q What was her name? A Katie.
Q Katie what? A Katie Harrison.
Q Your father's name was Willis Womack? A Yes sir.
Q And he claimed through Katie Harrison, his mother? A Yes sir.
Q Well, is thatthe same person whose name has been given as Kittie Gibson? A Yes sir.
Q What relation are you to Henry Harrison? A He was my father's brother.
Q And he claimed through his mother, Kittie Gibson, whom you say was your grandmother, and you call her Katie Harrison? A Yes sir.
Q What makes you call her Katie Harrison, and he calls her Kittie Gibson? A I guess because she has been married twice; thats what we called her when we was small.
Q You are quite sure that Kittie Gibson, the mother of Henry Harrison, your uncle, is the same as Katie Harrison, your grandmother? A Yes sir.
Q Well, is Ellen Ford your uncle Henry Harrison's half sister? A Yes sir.
Q And they both had the same mother? A Yes sir.
Q Was that Kittie Harris or Katie Harrison? A Katie Harrison.
Q She gave the name of her mother as Kittie Harris? A Well---

Note.---See application of Ellen Ford, M. C. R. 6385.

Q Now, is Ellen Ford your aunt? A Yes sir.
Q She gave the name of her mother as Kittie Harris; Henry Harrison, who had the same mother, gives her name as Kittie Gibson; in referring to the same person as your grandmother you give the name as Katie Harrison? A Yes sir.
Q Three of you give the nameof the same person in three different ways; how does that happen? A I dont know without she has been married two or three times.
Q Can you give the name of any other Choctaw ancestor of yours than Katie Harrison? A No sir.
Q Did she live in Mississippi in 1830? A Yes sir, they tell me she did.
Q Did she have a family there then? A Thats what they say.

Q Did she within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that she wanted to stay in Mississippi, take land there and become a citizen of the states? A I dont know, sir.
Q Was she a slave? A I couldn't tell you; it has been so long.
Q Did you ever hear anyone say she was? A I heard,-- my dad died when I was small.
Q Did you never hear any relative say that Katie Harrison, or Kittie Gibson,or Kittie Harris, or whatever her name was, was a slave? A No sir, I never have.
Q You must have, if you sat here a moment ago and heard your uncle,Henry Harrison, testify; he was not more than seven eight feet from you, and he stated several times that she was a slave; do you know whether he said so? A Yes sir, I heard him, but it had done slipped my memory.
Q Did you never hear it then? A If I did I dont remember it now.
Q Did she or any other Choctaw ancestor of yours claim any land on that old Choctaw Nation or live on land for five years and then get a patent for it from the government under article 14? A I dont know sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A Not as I knows of.
Q Did any of your Choctaw ancestors go from that old Nation to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not as I knows of.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I dont know, sir.
Q Did any of them go before the Commission of 1837 or the Commission of 1842 and claim any benefits under article 14? A If they did I dont know it.

These commissions were appointed to hear thecomplaints of Choctaw Indians who stated that they had tried to register under article 14 of the treaty of 1830 within the time limited in that article, but that their names had been refused by Colonel Ward, who would notpermit them to register, and because of his refusal the land which they occupied in the old Choctaw Nation had been taken from them by the government and sold.

Q Did any of your Choctaw ancestors receive any scrip fromthe government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A If they did I couldnt tall you.

This scrip was issued to Choctaw Indians who proved their rights under article 14, and also proved that their land had beentaken from them in the old Choctaw Nation and sold by the government, and was issued under an act of Congress approved August 23rd, 1842.

Q Do you understand the Choctaw language? A No sir.
Q Have you any other evidence you want to present now? A No sir.

30 days time is allowed this applicant in which to introduce other evidence, if he desires, in support of this application.

By S W Isaac, attorny for applicant:
Q You state that Kittie Gibson is the same woman as Kittie Harris, known as Katie Harrison? A Yes sir.
Q Why do you all give those different names? A As near as I can tell you she has been married twice.
Q Did she marry a Gibson? A Yes sir, I heard them say she did.
Q Was she married to a Harrison afterwards? A Yes sir.
Q Where did she get the name of Harris? A By her first husband, or second husband, somewhere along in there.
Q Did she have a husband named Harris or Harrison? A Yes sir, Harrison.
Q Where did the Harris come from? A Thats all for the same name; thats the way some call it; some call it Harris and some Harrison.

By the Commission:
Q Some call it Harris and some Harrison, but you all mean the same woman? A Yes sir, the same thing.

By S W Isaac:
Q Your father's name was Judge Womack? A Willis Womack.
Q He was the son of Kittie Harrison? A Yes sir.
Q And a brother of Ellen Ford? A Yes sir.
Q Who was Willis Womack.s father and mother? A They moved to Texas and I couldn't tell you? A
Q How much Indian blood did Willis Womack have now? A I dont know for certain.
Q How much Indian blood was Kittie Harrison supposed to have? A I think they called her a full blood.
Q Did you ever see her to know her? A I was small.

By the Commission:
Q Was your grandmother Kittie or Katie? A Katie.

By S. W. Isaac: We would like to have this case consolidated with the case of Ellen Ford, 6365.

By the Commission: The case of Ellen Ford, et al., M. C. R. 6365, is here referred to for the purpose of consolidation.

Q You have white blood have you not? A I dont know, sir.
Q You dont know whether your father was part white? A No sir, if he had any white blood I dont know.
Q Did your mother have any white blood? A I dont know, sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry; he seems to have some white blood, but he does not know anything about it; he is lighter in color than a full blood Negro. The African or Negro blood shows, and is the predominant racial characteristic; he does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Terri-

tory, on the 24th day of January,1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 29 day of January, 1903.

Charles H Sawyer

Notary Public.

M.C.R. 6625.

COPY.

Muskogee, Indian Territory, August 1, 1903.

Judge Womack, Received. Muskogee, I.T. Sept. 8. 1903.
Beggs, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Virginia Schooler, et al., embracing the following applications for identification as Mississippi Choctaws:

Virginia Schooler, et al.,	M.C.R. 6614
Lillie Griffin, et al.,	M.C.R. 6615
Ada Wilson,	M.C.R. 6616
Henry Harrison, et al.,	M.C.R. 6624
Judge Womack, et al.,	M.C.R. 6625.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Virginia Schooler, Ida Schooler, Roberta Schooler, George Schooler, Ellen Schooler, Lillie Griffin, Minnie Griffin, Frank Griffin, Zarah Griffin, Ada Wilson, Henry Harrison, Henry Harrison Jr., Judge Womack, Katie Womack, Bertha Womack and Essie Womack, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

(J. W. 2)

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Sgd) T. B. Needles.
Commissioner in Charge.

Registered.

M.C.R. 6625

Muskogee, Indian Territory, August 27, 1904.

Judge Womack,

Twine, Indian Territory,

Dear Sir:

You are hereby notified that on the 8th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Virginia Schooler, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

6625 No.

For Identification as a Mississippi Choctaw.

Date JAN 24 1903

Name Judge Womack

Age 29 Blood don't know

Post Office. Beggs, I. T.

Father: Willis Womack. d

Mother: Katie Harrison, l.

Claims through father. -

Wife.

Lula Womack l. ed.

No claim for wife.

Children:

Katie Womack, 5

Bertha " 3

Essie " 2

Claims for self & 3 minors

Stenographer W. H. Martin

Judge Womack

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR.
AUG 3 1904

NOTICE OF DEPARTMENTAL ACTION
AWARDING ATTORNEY'S FEE
AND EXPENSES

Choctaw MCR 6626

Noah De Grate

MCR 6626

#6626.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 24, 1903.

In the matter of the application of Noah DeGrate for the identification of himself and his six minor children, Ardelia, Isabella, Namon, Farmer, Josie and Eddie DeGrate, as Mississippi Choctaws.

Noah DeGrate being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Noah DeGrate.
Q What is your age? A 40 years old.
Q What is your post office address? A Downsville, Texas.
Q How long have you lived in Texas? A All my life.
Q Born and raised there? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Fred DeGrate.
Q What was your mother's name? A Annie DeGrate.
Q You claim through your father or mother? A My father.
Q How much Choctaw blood do you claim? A About a quarter I guess.
Q How much was your father? A One half.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know sir; his mother was a full blooded Indian.
Q He never has lived in the Indian Territory, has he? A No sir.
Q Are you married? A Yes sir.
Q Your wife living? A Yes sir.
Q Is she a colored woman? A Yes sir.
Q What is her name? A Josie DeGrate.
Q Do you make any claim for her? A No sir.
Q What was your father's other blood besides Choctaw? A I dont know sir, what his other blood was.
Q Why dont you know? If you know he had Choctaw blood you ought to know whether he had white or colored blood? A It was colored, Yes sir.
Q And your mother was a colored woman? A Yes sir.
Q Have you any white blood at all? A No sir, not a bit.
Q Were your father and mother slaves at one time? A Yes sir.
Q You were too, were you not, you were living at that time, 40 years ago? A Yes sir.
Q You were all liberated by the act of emancipation? A Yes sir.
Q How many children have you? A 6.

Q Are they all under 21 years of age? A Yes sir.
Q And unmarried? A Mary one married.
Q Give me the name of the oldest? A Ardelia DeGrate.
Q How old is she? A 20 years old.
Q The next? A Isabella DeGrate?
Q How old is she? A 16.
Q The next? A Namon DeGrate.
Q How old is he? A 13.
Q The next? A Farmer DeGrate.
Q How old is he? A He's 11 years old.
Q The next? A Josie DeGrate.
Q How old is Josie? A 8 years old.
Q The next? A Eddie DeGrate.
Q A boy? A Yes sir.
Q How old? A 5 years old.
Q The next? A Thats all.
Q Is Josie DeGrate the mother of these children? A Yes sir.
Q Are you and she living together as husband and wife and these children living with you? A Yes sir.
Q When were you married to her and where? A I married in '81.
Q What day of the month? A About the3rd day of February.
Q Whereabouts were you married? A In McClellan County, Texas.
Q By a minister under a license? A Yes sir.
Q Have you the proof of your marriage with you? A No sir, I ain't got it with me.
Q Is your name or are the names of your children on any of the Choctaw tribal rolls in the Indian Territory? A I didn't hear you?
Q Have you ever been enrolled with your children as Choctaw Indians? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q This is your first application for yourself and children of any kind for citizenship in the Choctaw Nation? A Yes sir.
Q You have never been admitted as citizens of the Choctaw Nation by any authority? A No sir.
Q Do you now ooe before the commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A What do you mean by that?
Q Do you know what a treaty is? A No sir, I dont.
Q Do you know what an article in a treaty is? A No sir.
Q You never heard of article 14 then? A No sir, I never heard of that.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before this treaty, which was an agreement made between the United States government and the Choctaw Indians, could be signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty. Therefore in order to protect the interests of those Indians

who stayed back there article 14 was drafted and put into the treaty. Now, that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to ~~a~~reservatix one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If the reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty or not? A No sir, I dont know.
Q What is the name of your ancestor through whom you are claiming now? A A Choctaw.
Q I mean your ancestor, your relative, your kin folks, the old people, 'way back? A O, my grandmother.
Q What is the name? A Ailey.
Q Ailey what? A I dont know sir, Ailey DeGrate I reckon; my pappy went by Fred DeGrate.
Q Your brother is Homer DeGrate? A Yes sir.
Q He has made application before the Commission January 9, 1903, M. C. R. 6585, and he gave the name of his grandmother, his father's mother, as Ailey Lang.
Q Well, her white people went by Lang.
Q She was owned by Lang? A Yes sir.
Q And she took her white master's name? A Yes sir.
Q How did your grandmother, Ailey, become a slave? A I have heard say they stole her.
Q Who stole her? A Lang.
Q Do you know what her husband's name was? A Yes sir, Loderick.
Q His name was Loderick DeGrate was it? A Yes sir, that was my father's daddy, and my father went by Fred DeGrate.
Q Now, can you give the names of Ailey Lang's father and mother? A No sir, I cant.
Q Was she married and living in Mississippi in 1830, or in Alabama, 73 years ago? A Yes sir, she was living in Mississippi in 1830.
Q Did she have a family there then? A Yes sir.
Q Did she within six months after the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that she wanted to stay and register under article 14 of that treaty? A I dont know sir.
Q Did she or any other Choctaw ancestor of yours live on land in Mississippi or Alabama in the old Choctaw Nation for five years and then get a patent from the government for that land? A Not as I knows of.

Q Did any Choctaw ancestor of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830, and the date of this application made by you today? A No sir, now as I knows of.
Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A No sir, not as I knows of.
Q Did anyof them go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 and 1838, with the other Indians at the expense of the government? A No sir, not as I knows of.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A Not as I knows of.
Q Did any of them go before the Commission appointed by an act of Congress approved March 3, 1837, or a commission appointed by an act of Congress approved August 23, 1842, and claim any benefits under article 14 of the treaty of 1830? A No sir, not as I knows of.

These commissions were appointed by Congress to hear Choctaw Indian claimants who asserted that they had tried to register under article 14, but that ColonelWard had refused to take their names for registration, and because of his refusal to register their names under article 14 their land which they occupied in the old Choctaw Nation had been taken from them by the government and sold.

Q Did any of your Choctaw ancestors receive any scrip from the govern ent which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land the government had taken fromthem and sold? A Not as I knows of.

Q Is there anything more you want to say now in support of this claim? A No sir, no more than what you ask me.
Q I mean is there anything that you want to add that I have forgotten to mention; if so you can speak of it? (No response)
Q You want to have your case consolidated with the case of your brother, Homer DeGrate? A Yes sir.

The case of Homer DeGrate, et al., N. C.R. 6585, is here referred to for the purpose of consolidation, being a brother of this applicant, and claims through the same common ancestor.

This applicant has the appearance and physical characteristics of being descended from Negro parentage.

Q Do you speak or understand the Choctaw language? A No sir.

He has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory,

on the 24th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Moore

Subscribed and sworn to before me this 29 day of January, 1903.

Charles H Lawyer

Notary Public.

:) R 6616

COPY.

Muskogee, Indian Territory, August 7, 1903.

Noah DeGrate,

Downsville, Texas.

Dear Sir:

You are hereby advised that on the 7th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Demps DeGrate, et al., embracing the following applications for identification as Mississippi Choctaws:

Demps DeGrate, et al.,	M C R 6627
Homer DeGrate, et al.,	M C R [illegible]
Noah DeGrate, et al.,	M C R 6626
Jobe Lee,	M C R 7090
Moses DeGrate, et al.,	M C R 7091

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

"Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in is insufficient to establish the identity of Demps DeGrate, Jerry DeGrate, Homer DeGrate, Sallie DeGrate, Anna Bell DeGrate, Oscar DeGrate, Hester DeGrate, Eva DeGrate, Lula DeGrate, Judge DeGrate, Essie Maymond DeGrate, Flora DeGrate, Noel DeGrate, Amelia DeGrate, Isabella DeGrate, Simon DeGrate, Verner DeGrate, Josie DeGrate, Eddie DeGrate, Jobe Lee, Moses DeGrate, Annie J.

DeGrate and Richard DeGrate Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

E. D. Nellis.
Commissioner in Charge.

Registered.

M.C.R. 6626.

Muskogee, Indian Territory, November 20, 1903.

Noah DeGrate,

Downsville, Texas.

Dear Sir:

You are hereby notified that on the 12th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dempa DeGrate et al., of which decision you were advised by registered mail on the 7th day of August, 1903.

Respectfully,

Chairman.

6626 No. 6626

For Identification as a Mississippi Choctaw.

Date JAN 24 1903

Name Noah De Grate

Age 40 — Blood 1/4

Post Office, Downsville, Tex.

Father: Fred De Grate, d.

Mother: Annie " d.

Claims through father 1/2

wife,

Josie De Grate, 1. neg.

No claim for wife

Children;

Ardelia De Grate,		20
Isabella	"	16
Namon	"	13
Farmer	"	11
Josie	"	8
Eddie	"	5

Claims for self & 6 minors.

Stenographer W.N. Martin.

Noah Dr Gate

Choctaw MCR 6627

Demps DeGrate

MCR 6627

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Demps DeGrate, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Demps DeGrate, et al.,	M.C.R. 6627
Homer DeGrate, et al.,	M.C.R. 6585
Noah DeGrate, et al.,	M.C.R. 6626
Jobe Lee,	M.C.R. 7090
Moses DeGrate, et al.,	M.C.R. 7091

I N D E X.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

(Page)

Original application of Demps DeGrate, et al., before the Dawes Commission for identification as Mississippi Choctaws, 1

Original application of Homer DeGrate, et al., before the Dawes Commission for identification as Mississippi Choctaws, 6

Original application of Noah DeGrate, et al., before the Dawes Commission for identification as Mississippi Choctaws, 12

Original application of Jobe Lee before the Dawes Commission for identification as a Mississippi Choctaw, 17

Original application of Moses DeGrate et al., before the Dawes Commission for identification as Mississippi Choctaws, 23

Testimony of Henry Satchel, 28

Decision of the Commission refusing the applications in the consolidated application of Demps DeGrate, et al., for identification as Mississippi Choctaws, 31

#6627.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 24, 1903.

In the matter of the application of Demps DeGrate for the identification of himself and his minor child, Jerry DeGrate, as Mississippi Choctaws.

Demps DeGrate being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Demps DeGrate.
Q What is your age? A About 66.
Q What is your post office address? A Perry.
Q What state? A In Falls County.
Q What state? A Texas.
Q How long have you lived in Texas? A Been here about 43 years.
Q Where did you live before you went to Texas? A Mississippi.
Q Were you born in Mississippi? A Yes sir, I came from Mississippi to Texas.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Fred DeGrate.
Q What was your mother's name? A Annie DeGrate.
Q Do you claim through your father or mother? A My father.
Q How much Choctaw blood do you claim? A About a quarter.
Q Do you claim your father was one half? A Yes sir.
Q Has he been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, never has.
Q No you know when your father and mother were married? A No sir.
Q Do you know if they were married? A No sir; you see when my father and mother was married they was slaves, and they didn't marry; they had to go and ax the marster man, and if he said so he could go and take her.
Q Have you a wife living? A Yes sir.
Q You were all slaves? A Yes sir.
Q Were your father and mother owned by the same man? A Yes sir.
Q And you were born while they were living there slaves of one man? A Yes sir.
Q His name was what? A Bill Lang.
Q What is your wife's name? A Vicey DeGrate.
Q Is she a colored woman? A Yes sir.
Q Do you make any claim for your wife? A No sir.
Q Give me the name of your child, or children, under 21 years of age? A Now, judge, I have eight, but all of them's married but one; he is 14 years old.
Q What is his name? A Jerry DeGrate.
Q You claim for yourself and this boy, then? A Yes sir.

Q Is your wife, Vicey, the mother of Jerry? A Yes sir.
Q When and where were you married to her? A In Texas.
Q What date? A I dont know, sir, I couldn't tellyou.
Q After the war? A No sir,just before the war ended we married.
Q You were a slave then? A Yes sir.
Q Was she? A Yes sir.
Q You did not get a license then, did you? A No sir.
Q How did you marry? A Just axed the overseer, and told him I wanted a wife; he told me go get her.
Q What ceremony did you go through? A Didn't go nothing; just married that night and went into the field next day and went to work.
Q What did you do to marry her? A I axed the white people, the boss man we called him, for her, and he told me if the old people was willing, her mother, to go over and marry her.
Q Did you go to her mother? A Yes sir.
Q And asked her? A Yes sir.
Q She was a slave of the same man? A Yes sir.
Q And then did you go and take Vicey? A Yes sir.
Q Did you ask her first? A Yes sir.
Q What did Vicey say? A Told me she was willing to it.
Q Then what did you do? A Just went on and married then.
Q Did you go through any ceremony at all? A No sir,just word of mouth made us married; after I married her I had to go and explain,- tell them that me and her was done married now.
Q And you have lived together ever since? A Yes sir.
Q You never went through any ceremony then? A No sir.
Q Is your name or the name of your son, Jerry,on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, never have been enrolled.
Q Have you ever made application for citizenship inthe Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and your son? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by any authority whatever? A No sir.
Q You want to identify yourself and him now as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.
Q Well, do you understand that article well enough to claim under it? A Well now, Judge, you will have to sorter give me time to study.
Q What do you want me to do; do you want me to explain it? A Yes sir.
Q Well, you know what a treaty is? A Judge, you explain it to me?
Q Don't you know what a treaty is? A A tree?
Q Not a tree,- a treaty? A No sir, Judge, I dont know what dat is.
Q Well now, a treaty is a contract in writing,- do you know what that is? A Yes sir, Judge, I know what a contract is.
Q What is a contract? A Well, if a man make a contract, and if me and him do such a part, and if me and him work all right and sign it, it comes out all right.
Q And he agrees to give you so much money for doing so much work? A Yes sir.
Q And if it dont come out all right somebody gets sued? A Yes sir, dat's right.

Q That is an agreement in writing between you and the other man? A Yes sir.

And if you make an agreement in writing and if the parties to it are nations then it is called a treaty. In 1830, 73 years ago, a contract in writing was made between the United States government and the Choctaw Indians, in which the government agreed to do certain things for the Indians, and the Indians agreed if the government would do those things they would go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. This treaty was made on the 27th day of September, 1830. The reason why that treaty was made was to get the Choctaw Indians to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. A good many Indians said they would not go under the treaty; so article 14 was put into the treaty. That is what you are claiming under now, article 14. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with himover ten years of age, to adjoin the location of the parent. If theyreside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with article 14 of that treaty, do you know? A My sisters?
Q No, not your sisters; I mean your older kin folks, 'way back there,- did any of them do the things that were required in article 14 of that treaty? A I dont remember it.
Q What is the name of this old ancestor that you claim through? A Grandmammy, Ailoy.
Q What was her full name? A I dont recollect; they called her Ailoy Lang,you know; she belonged to Langs.
Q A slave of Lang's? A Yes sir.
Q And she was your grandmother? A Yes sir, she was my grandmother.
Q Now, did she live in Mississippi in 1830, and was she married there then? A Yes sir.
Q She was a slave then was she not? A Yes sir, she was a slave.
Q Was she always a slave? A Always was a slave ever since I knowed her.
Q Was her husband a slave too? A They bought him I think, he was a nigger named Loderick.
Q All your folks were slaves? A Yes sir.
Q And you were too? A Yes sir.
Q Was your wife a slave? A Yes sir.

Q Well then, if your father and mother were slaves, and Ailey was a slave, they could not have held any land in their own name in Mississippi, could they? A No sir.
Q They could not have asserted any rights as Choctaw Indians; they could not have gone from that state without the consent of the master, could they? A No sir.
Q Did you ever hear that Ailey was free born and stolen? A Yes sir.
Q A little while ago you said she was always a slave? A She was a slave when I can remember.
Q You dont know anything about her being stolen? A I heard my father say she was stole, and they called her old Injun woman all the time.
Q That was back more than 80 years ago, was it not? A I cant tell, but it has been a long time.
Q You are 66 years old now? A Yes sir.
Q And you state you did not know anything about it? A The old folks told me about it; I was brought up in slavery, and she was an Injun, 'cause I know she had two brothers, Jim and one named,-- I cant call the name,- but they come up to my folks house, and said "whats my sister", -- Jim and Jack.
Q If you are 66 years old not, and when you were a boy you heard that your grandmother had been stolen, that must have been some time before that, a long time? A Yes sir, it was a long time ago; you know I have been here a pretty good while.
Q Did any of your Choctaw ancestors go to Colonel Ward and tell him that they wante to stay in Mississippi, take land there and become citizens of the states? A Well, you see I dont know nothing about dat, wherein I was under a bondage; you know, here's the way it was, Judge,- just give me time now,- I want to be straight about it.
Q Well, go ahead and tell it, and dont talk so much? A Yes sir, she was born free, but still she was a slave when I knowed her.
Q How do you know she was born free? A They said she was stole.
Q How doyou know? A I had to take what my father said.
Q What did your father say? A Said she was stole.
Q How long back was it that she was stolen? A I couldn't tell anything about the year, Judge.
Q Away back in 1800? A I cant tell nothing about dat.
Q Did any of your Choctaw ancestors live on land in Mississippi or Alabama for five years and after that time get a patent from the government for the land under article 14 of the treaty of 1830? A I dont know nothing about dat.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today, for the purpose of making a home in the Choctaw Nation, Indian Territory? A I know they come here from Mississippi.
Q Who came? A The Choctaws.
Q Any of your old folks, your ancestors? A I cant remember it.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know.
Q How old would your father, Fred DeGrate, be if living now? A I reckon he would be about 92 years old.

Q He was not stolen was he? A No sir.
Q His mother was stolen and he was born in slavery? A Yes sir.
Q Did any of your Choctaw ancestors go before the Commission of 1837 or before the Commission of 1842, and claim any benefits under article 14 of the treaty of 1830? A No sir, not as I knows of.

These commissions were appointed by various acts of Congress to hear the claims of Choctaw Indians who said that they had gone to Colonel Ward and attempted to register under article 14 of the treaty of 1830, but that Colonel Ward had refused to register them, and because of his refusal the government had taken their land from them in the old Choctaw Nation and sold it.

Q Did any of your Choctaw ancestors receive any scrip from the government under an act of Congress approved August 23, 1842? A Not as I knows of.
Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from Negro parentage; his father would be 90 years old if living now, and was born in slavery; his grandmother at that time was a slave; this applicant was born in slavery. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

30 days time is allowed this applicant in which to introduce other evidence, if he desires, in support of this claim.

W. T. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 24th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W T Martin

Subscribed and sworn to before me this 27 day of January, 1903.

Charles K Dawson
Notary Public.

189

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Demps DeGrate, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Demps DeGrate, et al.,	M.C.R. 6627
Homer DeGrate, et al.,	M.C.R. 6585
Noah DeGrate, et al.,	M.C.R. 6626
Jobe Lee,	M.C.R. 7090
Moses DeGrate, et al.,	M.C.R. 7091

D E C I S I O N .

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Demps DeGrate for himself and his minor child, Jerry DeGrate; by Homer DeGrate for himself and his nine minor children, Sallie, Anna Bell, Oscar, Foster, Eva, Louis, Judge, Essie Raymond and Elnora DeGrate; by Noah DeGrate for himself and his six minor children, Ardelia, Isabella, Ramon, Farmer, Josie and Eddie DeGrate; and by Jobe Lee for himself and by Moses DeGrate for himself and his two minor children, Annie J. and Richard DeGrate Jr., under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Ailey (or Ailsey) Lang (or DeGrate or Bailey), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eight-en hundred and thirty.

It also appears from the testimony herein that the minor applicants embraced in L..... 6555 also claim said rights by reason of being descendants of their mother, Rosa DeGrate, but as application (numbered N.I.B. 6399) has heretofore been made for them by their mother, in which they claimed their Choctaw blood through said parent, it will not be necessary to again pass upon their rights as Mississippi Choctaws by reason of such descent.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to

comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Ailey (or Ailsey) Lang (or DeGrate or Bailey), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March , 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Demps DeGrate, Jerry DeGrate, Honor DeGrate, Sallie DeGrate, Anna Bell DeGrate, Oscar DeGrate, Foster DeGrate, Eva DeGrate, Louis DeGrate, Judge DeGrate, Essie Raymond DeGrate, Elmora DeGrate, Noah DeGrate, Ardelia DeGrate, Isabella DeGrate, Ramon DeGrate, Farmer DeGrate, Josie DeGrate, Eddie DeGrate, Jobe Lee, Moses DeGrate, Annie J. DeGrate and Richard DeGrate Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
CHAIRMAN.

T. B. Needles.
COMMISSIONER.

C. R. Breathitt
COMMISSIONER.

W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,
AUG 7 1903

NOTICE OF DECISION FORWARDED APPLICANT AUG 7- 1903

Messrs. McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Demps DeGrate, et al., embracing the following applications for identification as Mississippi Choctaws:

Demps DeGrate, et al.,	M C R 6614
Homer DeGrate, et al.,	M C R 6615
Noah DeGrate, et al.,	M C R 6626
Jobe Lee,	M C R 7090
Moses DeGrate, et al.,	M C R 7091

These applications were made under the provision of the act of Congress of June 2[illegible], 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Demps DeGrate, Jerry DeGrate, Homer DeGrate, Sallie DeGrate, Anna Bell DeGrate, Oscar DeGrate, Dosier DeGrate, Uva DeGrate, Louis DeGrate, Judge DeGrate, Essie Raymond DeGrate, Elnora DeGrate, Noah DeGrate, Ardelia DeGrate, Isabella DeGrate, Elon DeGrate, Farmer DeGrate, Josie DeGrate, Eddie DeGrate, Jobe Lee, Moses DeGrate, Annie J. DeGrate and Richard DeGrate Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed [illegible] to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be [illegible] the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

E. B. Meadles.
Commissioner in Charge.

M C R 6627

COPY.

Muskogee, Indian Territory, August 7, 1903.

Demps DeGrate,

Perry, Okla.

Dear Sir:

You are hereby advised that on the 7th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Demps DeGrate, et al., embracing the following applications for identification as Mississippi Choctaws:

Demps DeGrate, et al.,	M C R 6627
Homer DeGrate, et al.,	M C R 6596
Noah DeGrate, et al.,	M C R 6626
Jobe Lee,	M C R 7090
Moses DeGrate, et al.,	M C R 7091

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Demps DeGrate, Jerry DeGrate, Homer DeGrate, Sallie DeGrate, Anna Bell DeGrate, Oscar DeGrate, Foster DeGrate, Eva DeGrate, Louis DeGrate,

Judge DeGrate, Essie Raymond DeGrate, Elnora DeGrate, Noah DeGrate, Ardelia DeGrate, Isabella DeGrate, Nemon DeGrate, Farmer DeGrate, Josie DeGrate, Eddie DeGrate, Jobe Lee, Moses DeGrate, Annie J. DeGrate and Richard DeGrate Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

E. D. McAlee.
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, August 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Dempa DeGrate, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 7, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Dempa DeGrate, et al.,	M.C.R.6627
Homer DeGrate, et al.,	M.C.R.6585
Noah DeGrate, et al.,	M.C.R.6626
Jobe Lee,	M.C.R.7090
Moses DeGrate, et al.,	M.C.R.7091

The Commission has the honor to report that the principal applicants in the several separate application and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

This case refers to the consolidated Mississippi Choctaw case of Lewis Slaughter, et al., M.C.R.6366, decision in which was rendered by the Commission on April 13, 1903, and approved by the Secretary June 18, 1903.

Respectfully,

(SIGNED)

Through the
Commissioner of Indian Affairs.

2 Enc:
M.C.R.6627.

T. B. Needles.
Commissioner in Charge.

COPY.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land.
55,272-1903.

Washington,
Oct. 31, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes, in the matter of the application of Demps DeGrate for the identification of himself and his minor child, Jerry DeGrate; by Homer DeGrate for himself and his nine children, Sallie, Anna, Bell, Oscar, Foster, Eva, Louis, Judge, Essie Raymond and Elnora DeGrate; by Noah DeGrate for himself and his six minor children, Ardelia, Isabella, Namon, Farmer, Josie and Eddie DeGrate; and by Jobe Lee for himself and by Moses DeGrate for himself and his two minor children, Annie J. and Richard DeGrate, Jr., as Mississippi Choctaws, wherein a decision of rejection was entered by the commission on August 7, 1903.

The record in this case shows that the applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Ailsey Lang, Grandmother of the heads of families in this consolidated case, who is shown to have been a slave in Mississippi in 1830. The witnesses have no knowledge as to her compliance with the provisions of the 14th article of the Choctaw treaty of 1830.

The commission rejected the applicants for the reason that an examination of its records failed to show that Ailsey Lang, or Ailsey DeGrate or Ailsey Bailey, the latter having been her name by two marriages, either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

No slaves were in 1830 recognized as such members of the Choctaw tribe as entitled them to participate in the lands or tribal funds of the nation. Besides this, the records of this office do not show that Ailsey Lang or Ailsey DeGrate or Ailsey Bailey either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

For these reasons I recommend that the decision of the commissir rejecting the applicants be approved.

Very respectfully,

W.A.Jones,
Commissioner.

(E.B.H.) P.

COPY.

D E P A R T M E N T O F T H E I N T E R I O R. F.H.E.

WASHINGTON.
November 12, 1903.

D.C. 31710.
I.T.D. 7844-1903.
L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the record in the consolidated case, involving the applications for identification as Mississippi Choctaws of Demps DeGrate (M.C.R.6627), for himself and his minor child, Jerry DeGrate; of Homer DeGrate for himself and his nine minor children, Sallie, Annie Bell, Oscar, Foster, Eva, Louis, Judge, Essie Raymond and Elnora DeGrate, of Noah DeGrate for himself and his six minor children, Ardelia, Isabella, Namon, Farmer, Josie and Eddie DeGrate; of Jobe Lee for himself, and of Moses DeGrate for himself and his two minor children, Annie J. and Richard DeGrate Jr., including your decision of August 7, 1903, denying said applications.

It appears that the applicants herein are the descendants of a full blood Choctaw woman named Ailsey (or Ailey) Lang (or DeGrate or Bailey), who was a resident of the old Choctaw Nation in

1830. The record shows that she was stolen when a child from the Choctaws and became the slave of a man named Lang. Two of her children, Fred and Richard DeGrate, were born as slaves about the years 1810 and 1815, respectively. Descent is claimed from the said Ailsey through them.

The testimony furnished by the applicants contains no evidence whatever showing that they or any of their ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or took advantage of the subsequent acts of Congress relating thereto.

Reporting in the matter October 31,1903, the Commissioner of Indian Affairs called attention to the fact that slaves were not recognized in 1830 as members of the Choctaw Nation. He also stated that the records of his office do not show that Ailsey Lang (or DeGrate or Bailey) ever complied with said article 14 of the treaty of 1830.

He recommended that your action be approved.

The Department concurs in the recommendation of the Commissioner and your decision is hereby affirmed. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 6627.

Muskogee, Indian Territory, November 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dempa DeGrate et al., of which decision you were advised by mail on the 7th day of August, 1903.

Respectfully,

Chairman.

M.C.R. 6627.

Muskogee, Indian Territory, November 20, 1903.

Demps DeGrate,

Perry, Texas.

Dear Sir:

You are hereby notified that on the 12th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Demps DeGrate et al., of which decision you were advised by registered mail on the 7th day of August, 1903.

Respectfully,

Chairman.

M C R 6627

Muskogee, Indian Territory, December 7, 1903.

Demps DeGrate,

Perry, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you state that two witnesses whom you intended to have testify before the Commission in support of your application for the identification of yourself and minor child as Mississippi Choctaws, have died; and you ask when you should come before the Commission.

In reply you are informed that on November 12, 1903, the Secretary of the Interior approved the decision of the Commission rendered August 7, 1903, refusing the several applications included in the consolidated Mississippi Choctaw case of Demps DeGrate, et al., of which departmental action you were advised on November 20, 1903.

The Commission now considers your case closed, and cannot receive or consider any further evidence in support thereof.-

Respectfully,

Chairman.

M C R 6627

Muskogee, Indian Territory, December 28, 1903.

Demps DeGrate,

Perry, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask if you will be required to bring new witnesses before the Commission to testify in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that on November 12, 1903, the Secretary of the Interior approved the decision of the Commission rendered August 7, 1903, refusing the several applications included in the consolidated Mississippi Choctaw case of Demps DeGrate, et al., of which departmental action you were duly notified on November 20, 1903.

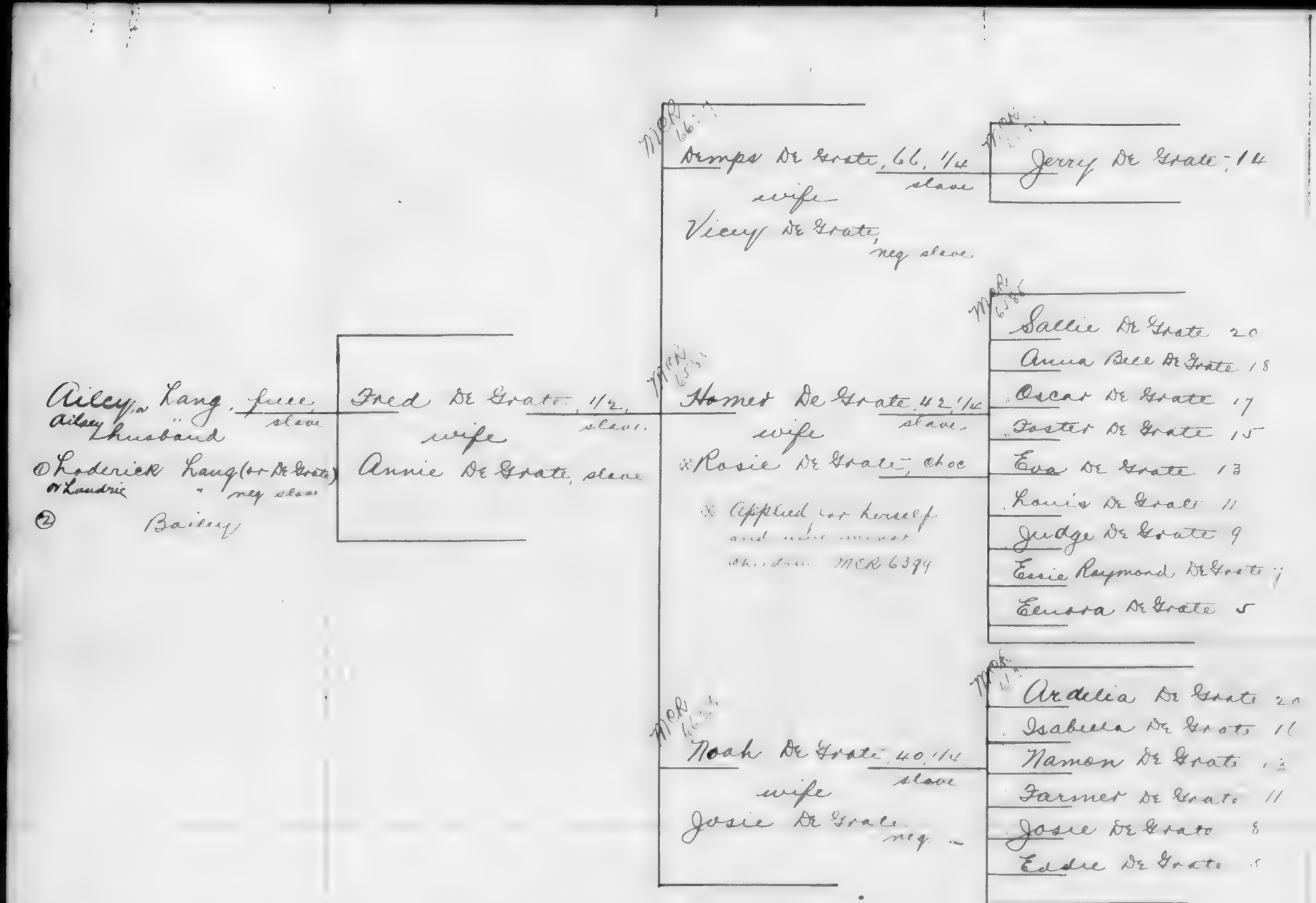
The Commission now considers your case closed, and cannot receive or consider any further testimony or documentary evidence in support thereof.

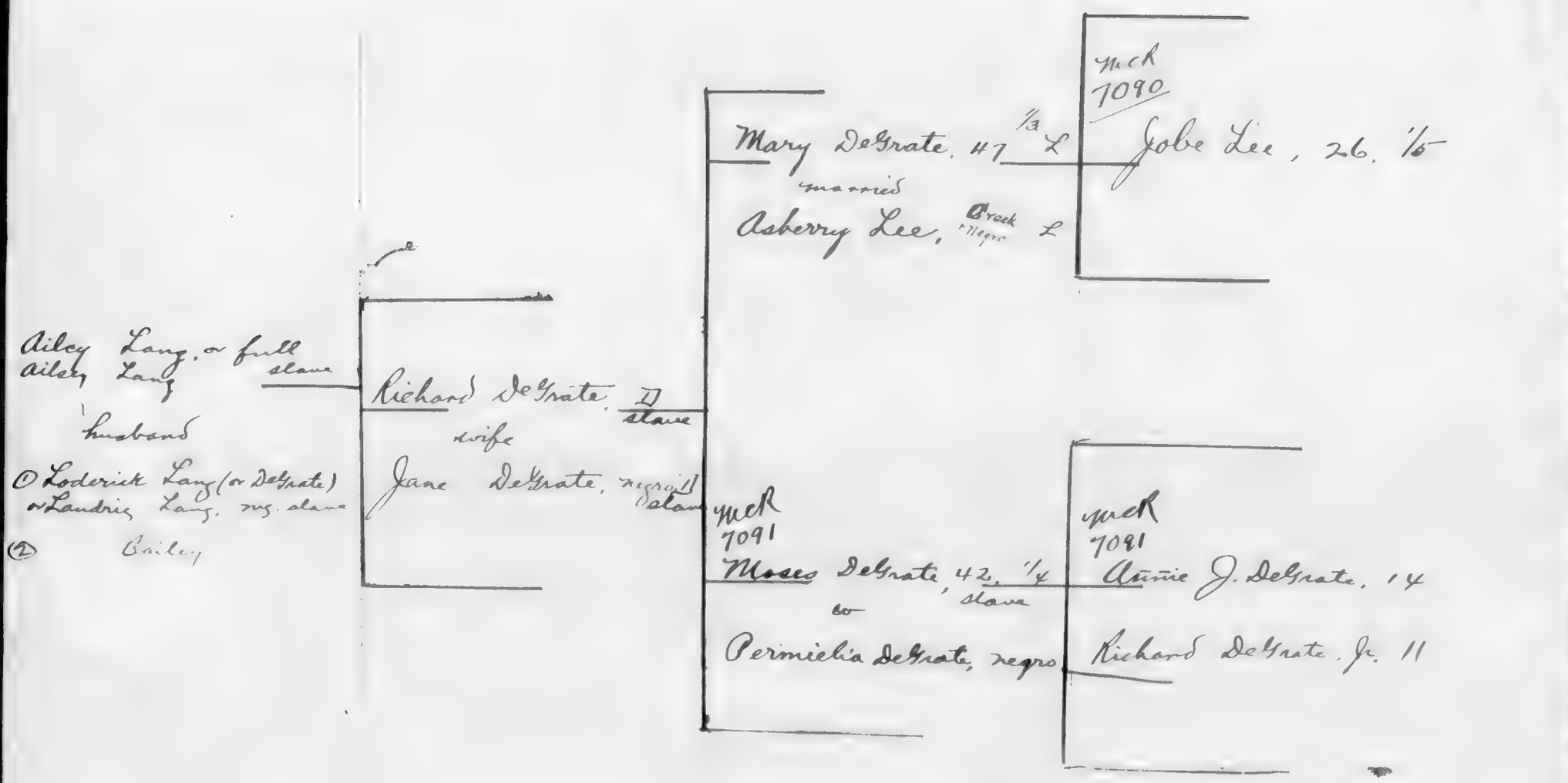
Respectfully,

Chairman.

N. FREEDMEN ROLL.

THER	FATHER'S TRIBAL ENROLLMENT			FATHER'S OWNER	NAME OF MOTHER	
	YEAR	BAND	No.			
				Compolitat Case	Tempea Mc Grath Free	REFER TO M. C. R. 6627


Ailey, a Lang, free
ailey husband
slave
① Roderick Lang (or De Grate) or Landric neg slave
② Bailey
Fred De Grate, 1/2, slave.
wife
Annie De Grate, slave
MCR 65
Homer De Grate, 42, 1/4 slave.
wife
* Rosie De Grate, choc
* Applied for herself and nine minor children MCR 6394
MCR 66
Demps De Grate, 66, 1/4 slave
wife
Vicey De Grate, neg slave
Mar
Jerry De Grate, 14
Mar 6-8
Sallie De Grate 20
Anna Belle De Grate 18
Oscar De Grate 17
Foster De Grate 15
Eva De Grate 13
Louis De Grate 11
Judge De Grate 9
Essie Raymond De Grate 7
Eunora De Grate 5
MCR 46
Noah De Grate, 40, 1/4 slave
wife
Josie De Grate, neg.
Mar 1-1
Ardelia De Grate 20
Isabella De Grate 16
Ramon De Grate 13
Farmer De Grate 11
Josie De Grate 8
Edsie De Grate 5


Mary DeGrate, 47 1/3 L
married
Asberry Lee, Creek Negro L
mcR 7090
Jobe Lee, 26, 1/6
Ailey Lang, or full slave
Ailey Lang
husband
Richard DeGrate, II slave
wife
Jane DeGrate, negro II slave
① Loderick Lang (or DeGrate) or Landrie Lang, mg. slave
② Bailey
mcR 7091
Moses DeGrate, 42, 1/4 slave
to
Permielia DeGrate, negro
mcR 7091
Annie J. DeGrate, 1/4
Richard DeGrate, Jr. 11

C. C. 1 No. 1

For Identification as a Mississippi Choctaw.

JAN 24 1903

Date

Name Demps DeGrate

Age 66 Blood 1/4

Post Office. Terry, Texas.

Father. Fred DeGrate, d.

Mother: Annie " d.

Claims through Father, 1/2

Wife.

Vicey DeGrate, colored.

No claim for wife

Children:

Jerry DeGrate, 14

Claims for self and one minor

Stenographer W. H. Martin

Demps. Dr Grate et al

Choctaw MCR 6628

Young Whitaker

MCR 6628

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the appliation of Young Whitaker, et al. for identification as Mississippi Choctaws, M.C.R. 6628.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page-
Original application of Young Whitaker, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Decision of the Commission refusing the application of Young Whitaker, et al., for identification as Mississippi Choctaws----------	11

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6628

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 27, 1903.

In the matter of the application of Young Whitaker for the identification of himself and his six minor children, [illegible], John, Joseph, Roger, Chester and Luberta Whitaker as Mississippi Choctaws.

A.W.Jones, Attorney for applicant.

Young Whitaker being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Young Whitaker.
Q What is your age? A Forty two.
Q What is your post office address? A Turner Indian Territory.
Q How long have you lived at Turner? A I moved up there the fourteenth of December.
Q In 1902? A Yes, sir.
Q Where did you live before you lived at Turner, Indian Territory? A In Mississippi.
Q Did you go from Mississippi to the Indian Territory? A Yes, sir.
Q Had you always lived in Mississippi up to the time you went to the Indian Territory? A I lived backwards and forwards.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Meridian.
Q How long didyou live in Meridian? A I stayed there from a boy up until about fourteen or fifteen years old -- somewhere along there.
Q Then you went where? A To Georgia.
Q And where from Georgia? A Back to Mississippi.
Q Meridian? A Yes, sir.
Q Where did you go to from Meridian the second time you lived in Meridian? A I went from there to Texas. I was just traveling about - didn't move.
Q And from Texas you went where? A Backto Meridian and then I came here.
Q From Meridian? A yes, sir.
Q And you lived here how long? A From the 14th day of December.
Q Is your father living? A No sir.
Q Is your mother living? A I don't know sir whether she is or not - I haven't heard of her in twenty years.
Q What is your father's name? A Henry Jones.
Q What is your mother's name? A My mother's named Jane Whitaker.
Q Is that her present name? A Yes, sir; that's her last name.
Q Did she ever have the name of Jones? A Yes, sir.
Q And Henry Jones died and then she married a man named Whitaker?
A Yes, sir.
Q I see you have the name Whitaker; how was that if your father was Henry Jones? A Well, after she married, I was quite a boy and they didn't tell me any better and I went after the name of the mother and the rest of the children.
Q You were called by the name of her second husband and not by the name of your father Henry Jones? A Yes, sir.
Q Do you claim your Choctaw blood through your father or mother?

A My father.
Q How much Choctaw blood do you claim? A One fourth.
Q How much did your father have? A One half.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A I learned he did.
Q In the Indian Territory - I don't mean in Mississippi now, I mean in the Indian Territory? A No sir, not as I know of.
Q He never lived in the Indian Territory did he? A No, sir.
Q What was your father's other blood aside from the Choctaw blood which you may he had? A My father's other blood besides Choctaw --well I cant tell you.
Q O, I think you can; tell me the best you can; you ought to know, if he's half Choctaw Indian -- then his other blood was either white, or Negro or both. A He's colored; I didn't understand you.
Q Was he a slave at any time? A Not as I know of.
Q What was your mother's blood? A She's colored.
Q Was she altogether a negro woman? A No, sir, she wasn't altogether; she had some white blood.
Q How much white blood? A I guess about a quarter or half, I don't know exactly.
Q Was she a slave at any time? A Yes, sir she was.
Q And you were also born in slavery were you not? A Yes, sir.
Q And you were both liberated by the act of emancipation? A Yes sir.
Q Are you married? A Yes, sir.
Q What is your wife's name ? A Mary.
Q She'sliving I presume? A Yes, sir.
Q And what is her blood? A Colored.
Q You don't make any claim for her as a Choctaw Indian then?
A No, sir.
Q Now will you give me the names of your children under twenty one years of age and unmarried commencing with the oldest?
A Willie Whitaker, born October 12, 1878. John Whitaker, March 19, 1887.
Q You call him sixteen years old do you? A It would be somewhere along there.
Q The next ? A Joseph, January 7, 1892.
Q That was the date of his birth? A Yes, sir.
Q You claim he's eleven yearsold then? A Yes, sir, he's somewhere along there. Rosa Whitaker, December 7, 1893.
Q Ten years old ? A Yes, sir, somewhere about that. Chester, born June 16, 1897.
Q About six years old then? A Yes, sir. Luberta, July 26, 1899.
Q Four years old? A yes, sir.
Q The next? A That's all.I have three more over age.
Q Is your wife Mary Whitaker the mother of these children? A The mother of every one of them.
Q Are you and she living together as husband and wife and are these children living with you at your home? A O, yes, sir, always have,; married for that.
Q When were you married to Mary Whitaker? A In 1877, December 27th.
Q Married by a minister under a license? A Yes, sir.
Q At what place? A At DeKalb County, Decatur Georgia.
Q Have you the proof of your marriage here? A No, sir.

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A Not as I know of; no, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No, sir, never have.
Q Have you ever made any such application for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No, sir.
Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw and to identify these children as Mississippi Choctaws? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes, sir.
Q Do you understand that article? A Yes, sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply or attempt to comply with article fourteen of the treaty of 1830 - do you know?
A I learned they did.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Jack Jones.
Q What relation was Jack Jones to you? A He was my grandfather so my father told me.
Q Was that your father's father? A Yes, sir.
Q Do you know whether Jack Jones your grandfather lived in Mississippi in 1830 or in Alabama at that time? A No, sir I don't know, as he did; I was told he did; I don't know.
Q You were told he lived where? A In Mississippi.
Q In 1830? A Yes, sir.
Q And did he have a family living there then? A Yes, sir.
Q Did he then go to the United States Indian agent within six months after the ratification of the treaty of 1830 and tell the agent he wanted to stay in Mississippi, take land and become a citizen of the states? A I learned that he did; I dont know that he did.

Q How did you learn it? A I learned it through those Finleys; they told me of their rights and I asked about myself and they told me that my grandfather was their father.
Q Jack Jones your grandfather was the father of Ben Finley and Christopher C. Finley? A Yes, sir.
Q Ben Finley has been before the Commission to be identified as a Mississippi Choctaw? A I guess so.
Q And Christopher C. Finley also?? A Yes, sir.
Q Do you want to have your case considered under the head of Ben Finley? A Yes, sir.

The application of Ben Finley M.C.R. 4573is here referred to for the purpose of consolidation, and also in this connection the case of Christopher C. Finley, brother of Ben Finley 4574 is here referred to.

Q Now whatever you know about your grandfather Jack Jones, did you learh from Ben Finley and Christopehr C. Finley?
A No, sir.
Q I understood you did get some information ---? A O, yes, sir, about this land, yes, sir.
Q Did you get any information about Jack Jones, being a beneficiary under article fourteen of the treaty of 1830 from anybody else except these two men? A My father told me when I was a boy that I had a claim somewhere but I never could find it; he died and my mother married and they moved off and left me and that's all I know about it -- and then I met these people.
Q Did he tell you anything about Colonel William Ward, the United States Indian agent and the treaty of 1830 and article fourteen of that treaty? A Who do you mean?
Q Your father? A Yes, sir.
Q How did he know about article fourteen? A I don't know sir.
Q What did he tell you about it? A He told me that he had a home there in Alabama; I was small.
Q In Alabama? A Yes, sir, had land or a home; and that's all I know about it.
Q Did he tell you where that land was obtained from?
A Yes, in Sumpter County, I think , as well as I remember.
Q How much land was there? A I don't know.
Q Where did that land come from? Did he buy it? A I don't know that, either.
Q Was it given to him by anybody? A I don't know sir.
Q Didit come from the government? A I don,t know.
Q Did he ever tell you he got that land from the government because he was a Choctaw Indian? A No, sir.
Q Did he ever tell you he got it under article fourteen? A He didn't tell me how he got it.
Q What did he tell you about article fourteen of the treaty of 1830? A I don't remember what it was now. He told me he had a home there.
Q Did he tell you anything about article fourteen? A I don't remember.
Q Did he ever tell you anything about the treaty of 1830?
A Yes, sir, he told me there was a treaty made with the Indians, as well as I remember.
Q He had some Choctawblood, you say? A Yes, sir.

Q Was he a slave at any time? A No, sir he wasn't a slave.
Q Are you sure about that? A Yes, sir.
Q Very positive now? A Yes, sir.
Q Did he or any Choctaw ancestor ofyours live on land in Mississippi or Alaba,a in the old Choctaw Nation five years and at the end of that time get a patent or deed of that land under article fourteen of the treaty of 1830? A I don't know sir; I was told so.
Q You were told so by whom? A People around there in the country talking with people in the country.
Q Tell me the names of somebody. A I disremember the names that were talking about the land and told me.
Q As a matter of fact do you know or have you ever heard from anybody that your father went to Colonel William Ward the United States Indian agent within six months after the treaty of1830 was ratified and registered or attempted to register under article fourteen of the treaty of 1830 and that after having done that that he did get land in Mississippi or Alabama in the old Choctaw Nation and lived on it five years and then got a patent to that land from the government?
A I learned that he did.
Q Who told you all that? A I learned that from Finley.
Q Ben Finley? A Yes, sir.
Q And did you learn it from Christopher Finley? A Yes, sir.
Q And these two were the sources of your information in that regard were they? A Yes, sir.
Q And whatever testimony you give in this application is based upon information received by you from them and is contained in their applications, is it? A Yes, sir.
Q And for thatreason you want to have your case considered with their cases? A Yes, sir.
Q Did any of your Choctaw ancestors, Jack Jones, or any other go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians betwee 1833 and 1838 at the expense of the government? A Not asI know of.
Q Did any of them go at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent settlement or home in the Choctaw Nation Indian Territory? A I learned, they did; I don't know.
Q Who did you learn went from that old Choctaw Nation to the Choctaw Nation Indian Territory? A Jack Jones.
Q Do you know when he went? A No, sir.
Q Well if Jack Jones received land from the government in the old Choctaw Nation and lived on it five years and then got a patent to that land from the government,why should he have left his property there and gone tom the Choctaw Nation Indian Territory? A I dont know sir.
Q But do you know as a matter of fact that he did leave his property and go? A I've learned he did.
Q Where did he settle when he went to the Choctaw Nation, Indian Territory? A I don't know sir.
Q Where did he die? A I don't know sir.
Q When did he die? A I don't know sir.
Q Did he go directly from the old Choctaw Nation to the Choctaw Nation Indian Territory or did he go to some other state?
A I don't know.
Q What became of his land which you say he had and of the patent from the government in the old Choctaw Nation?
A I don't know.

Q The land is probably there yet if he ever had any there, but what became of the title to it? A I never saw any title.
Q You never saw the patent then ?A No, sir.
Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I learned they did; I don't know sir, whether they did or not.
Q Where did you learn that? A I learned that from these men that I was telling you about - the finleys.

These commissions were appointed by act of Congress approved March 3, 1837 and another commission appointed by act of Congress approved August 23 1842 and were appointed because of the complaints made by Choctaw Indians who claimed land in the old Choctaw Nation; they claimed that they had gone to Colonel Ward and attempted to register under article fourteen of the treaty of 1830 but that he had refused to accept their names for registration and because of his refusal those Indians lost the land which they had in the old Choctaw Nation; it was taken from them by the government and sold at its public land sales; now you say you learned that Jack Jones went before one of these commissions? A Yes, sir.
Q Which one - do you know? A No, sir I don't know.
Q Then he didn't get any rights until he went before the Commission of 1837 or 1842 to land in the Choctaw Nation?
A I don't know sir.
Q Well, now, how was it he happened to live on land five years then? A I don't know sir how that was.

The Choctaw Indians who received land in Mississippi from the government and after living on it five years, received a patent from the government, were not compelled to go before the Commission of 1837 or the commission of 1842; the fact that they lived on land five years and then got a patent shows that they were recognized and had rights that were recognized under article fourteen of the treaty of 1830, but you don't know about that? A No, sir.
Q Do you know if any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas under act of Congress approved August 23 1842? A No, sir I don't.

This scrip was issued under act of Congress approved August 23 1842 for the purpose of giving land either in Mississippi Alabama Louisiana or Arkansas to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw nation and sold by the government.

Q Do you speak or understand the Choctaw language? A No sir.
Q You say Jack Jones is your grandfather? A Yes sir.
Q And you said that Ben Finley told you Jack Jones was his father? A Yes, sir.

In the additional testimony given by Ben Finley before the Commission at Muskogee Indian Territory January 9, 1903, Ben Finley testified as follows in answer to this question:

"Which was your grandfather? A Jack Jones."

He says Jack Jones is his grandfather and you say he was your

grandfather and you said he told you that Jack Jones is his father; now either you or he has made a mistake. A I said Jack Jones was my grandfather.

Q And you said Ben Finley said Jack Jones was his father didn't you? A I don't remember telling you that.

Q It becomes very important and necessary that you should remember what you are testifying to in these important matters; that's exactly what you said; now if Jack Jones was the grand father of Ben Finley and Crhistopher C. Finley do you still claim that he was your grandfather also? A Yes, sir, from what my father told me, is all I know about it.

Q Do you still claim that Ben Finley told you that Jack Jones was his father? A Yes, sir, as well as I can remember, he told me that; I don't know.

Q I want you to get this straight because the cases of Ben Finley and Christopher C. Finley have been once remanded by the Secretary of the Interior because of the uncertainty ofthe applicants' answers and I don't propose to have it remanded again on account of any mistakes made by you, and I want you to be sures that your grandfather Jack Jones was also either the father or the grandfather of Ben Finley or Christopehr C. Finley; now make a choice right now.

A He was the father, the way I understand it.

Q Of Ben and Christopher C. Finley? A Yes, sir.

Q Then you think he was mistaken do you? A Undoubtedly he must be.

Q He also testified his mother's name was Mary Jones; do you know anything about that? A I never seen her.

Q You dont know what his mother's name was? A I was told that her name was that but I never seen her.

Q He further testified that she was the daughter of Jack Jones; did you hear that? A Yes, sir.

Q That would make Jack Jones his grandfather and you still maintain that Jack Jones was his father and yet his mother's name was Mary and her father's name was Jack Jones and that would make Jack Jones the grandfather of Ben Finley; do you think you are right ? A I cant tell about that.

Q Don't you think Mr. Whitaker it would be a very wise thing for you to say, if you don't know a thing, that you don't know it? A Yes, that's right.

Q Do you know anything about this, then; if you do, say so. A I don't know only what I was told,because I was very small and I cant remember at all only waht my father and mother told me, is all I know.

Q Do you know the name of the father of Jack Jones? (No answer)

Q Jack Jones had a father, didn't he? A Yes, sir.

Q Do you know what his name was? A No, sir I don't.

Q Did you ever hear it was John Jones? A I don't remember.

Q Ben Finley testified before the Commission at Muskogee January 9, 1905; he says Jack Jones had a father whose name was John Jones but you don't know anything about that? A No, sir I don't know.

How much Choctaw blood did Jack Jones have? A My father told me that my grandfather--

Q Is that Jack Jones? A No, sir that's my father's father -- he told me that he was a Choctaw -- didn't say how much.

Q Your father, Henry Jones, told you that his father was part Choctaw? A Yes, sir.

Q And what was his father's name? A Jack Jones.

Q Do you know how much Choctaw blood Jack Jones, your father's father had? A He was a full blood I reckon from what he told me; he just told me he was a Choctaw Indian;

Q What relation is Ben Finley to you? A That would make Ben

Finley my cousin.
Q And Christopher C. also your cousin? A Yes, sir.
Q I cant quite see that; how you can claim your Choctaw blood in a direct line from Jack Jones whom you claim was the father of Ben Finley and Christopher C. Finley, if, as you say Jack Jones was their father and you claim directly from him, and you claim that they were your cousins, I cant see how you claim through Jack Jones; I could understand how you might claim through John Jones, father of Jack Jones, but you don't know anything about that; how do you claim your Choctaw blood through Jack Jones the father of Ben Finley and Christopher C. Finley whom you claim were your cousins.
A All I know of that, my father told me that his father was a Choctaw Indian; he told me that when I was a boy and he told me that he was half Choctaw Indian and I counted from that, is all the way I can see it.
Q Well, now you could claim through Jack Jones if he, the father of Ben and Christopher C. Finley was also the father of your father Henry Jones, but how does it happen that if, as you say, Jack Jones is the father of Ben Finley and Christopher C. Finley that they have the name Finley and their father had the name of Jones; how did this come about? A I don't know sir, how that would be.
Q Now they testified that that Jack Jones their grandfather was living in Alabama in 1830 -- did I understand you to say that your ancestor Jack Jones was living in Alabama or Mississippi in 1830? A Yes, sir.
Q Which - in Mississippi or Alabama? A In Mississippi.
Q Now are you sure about that? A They had land in Alabama.
Q You never heard about John Jones, the father of Jack Jones, did you? A No, sir I dont know about that; I may have heard but I've forgotten; I don't know.
Q Did you ever see him? A No, sir.
Q How old would your father be, if living now? A I don't know sir.
Q Could you give any idea? A He would be about seventy or eighty years old; somewhere along there; I cant tell you.
Q The testimony of Ben Finley given by him before the Commission at Muskogee, I.T. January 2, 1903, contains this statemnt:

"The Commissioner of Indian Affairs in his letter of October 181902, to the Dawes Commission states that by inquiry at the General Land Office it was ascertained that on August 18, 1842, a patent was issued to John Jones for the following described land: 'Fractional sections 24, 25, 26 and 27, T.20, N.R.1, W., 954 90/100 acres'; do you know whether your great grandfather John Jones received any land so described, from the government or not?"

The answer was :"No, sir."

Q Do you know anything of the John Jones referred to who received that land? A I heard he had.
Q A little while ago you said you didn't know anything about John Jones at all? A No, sir I don't know anything about him.
Q You never heard of him? A No, sir.
Q You have heard of that land so described there? A No, sir, I thought you were talking of the land in Alabama.
Q I am talking about this land that I have read here as described in the testimony of Ben Finley for which land a patent was issued to John Jones. You don't know anything about it ?

Q It is also quoted in that record made by Ben Finley "The patent recited further that the land was situated west of the Tom Bigbee river in the stat of Alabama; do you know whether your great grandfather held any land east or west of the Tom Bigbee River?"

Answer:"No sir "

Q Do you know anything about where that land was? A No, sir.

Q In his testimony Ben Finley stated that his great grandfather was named John Jones and he was asked if he knew whether his great grandfather John Jones had a daughter named Polly and his answer was:"No sir."

Q Do you know of any such Polly as that? A No, sir.

Q Did you ever hear of a person named Samuel McGee?? A Yes, sir.

Q Who was Samuel McGee you heard about? A Well I cant call it to mind just now but I heard of him.

Q What did you hear about him? A I don't remember just now; I cant tell to save my soul.

Q Was he a white man or Indian or a negro? He's an Indian I suppose; I don't know.

Q I dont want you to suppose; you have no business to suppose; I want you to tell me if you know the man whether he was an Indian or white man or what? A No, sir I don't know.

Q Did you ever hear of a man named Samuel McGee? A No, sir.

Q You never did hear of him - answer the question? A No sir.

Q Why did you say you knew Samuel McGee? A I heard of him.

Q What did you hear about him? A You have got me mesmerized; I don't know what you're talking about; I don't know anything about it; I heard of him but I don't know anything about him; I know I've heard the name.

Q Now, after giving all this testimony about Samuel McGee, answer this question: did you ever, in your life, know a man named Samuel McGee or hear about such a person? A Yes, sir, I've heard of him.

Q What did you hear about him? A I heard he was related to Jack Jones.

Q What relation to Jack Jones was he? A I cant tell you what relation he was.

Q Who told you that - did Ben Finley? A Yes, sir , those boys.

Q This question was asked Ben Finley as will be shown on page twelve of his additional testimony given before the Commission at Muskogee, Indian Territory, January 9, 1903:

"Did you ever hear the name of one Samuel McGee"?

Answer: "No, sir."

Q Now you say you have heard of Samuel McGee through Ben Finley, did you? A Yes, sir.

Q And Ben Finley says he never heard of a man named Samuel McGee; how could you have heard of him through Ben Finley when Ben F Finley sayd he never heard of him? (No answer)

Q Did you ever hear of a person named Polly Jones who married man named Samuel McGee? A No, sir.

Q Is there anything more you want to say at this time or any evidence you want to present? A No, sir.

To A.S. Jones, Attorney for applicant: Any questions Mr. Jones?

Examination by A.S.Jones:

Q I would like to get that matter straight about Jack Jones

being the father of Ben Finley; was it his father or grandfather? A It might have been I was mistaken; it might have been his grandfather; of course I cant hold it all in my head.
Q Did your father ever have a sister by the name of Mary? A Yes, sir.
Q Did Ben Finley tell you his mother's name was Mary? A Yes, sir.
Q What did you say your father's father was named? A Jack Jones.
Q That's the father of your father? A Yes, sir.
Q And his sister then is the mother of whom - Ben Finley?
A Yes sir.
Q And you and Ben would be cousins then -first& cousins? A Yes sir, that's right.
Q You want that corrected then about Ben stating that Jack was his father - you want to take that back now? A Yes, sir.
Q You dont know positively what he said - do you - about that?
A No, sir, that's true.
Q Where were you raised? A In Mississippi.
Q Were you raised by your parents? A Well part of the time, my father -- when I was about ten years old or twelve he left and my mother told me he died in Georgia.
Q His name was what? A Henry Jones.
Q You dont know much about it -- you know Henry Jones is your father and that Jack Jones was said to be hisfather; that's all you know? A That's all I know.

---O---

By the Commission:

This applicant has the appearance and the manner and the style and complection of being descended from mixed ancestry, composed of Negro and White blood; if he has any Indian blood the Commission is unable to determine either that fact or the quantity; in his testimony he has been so vaccillating and irresponsible in his statements that the Commission is unable to positively determine exactly what he does claim or through whom he makes his claim and is also unable to determine whether he is intelligent in the misstatement of facts or whether it is because he is an ignorant man and does not know any better; the Commission would charitably incline to the latter opinion.
He does not speak or understand the Choctaw language and claims to know nothing of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830 except what he learns from Ben Finley and Christopher C. Finley whose cases have been referred to , the former being N.C.I. 4573 and the latter 4574.

Clara Mitchell Wood being first duly sworn states that she reported the above case on the 27th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 2nd day of February 1903.

Notary Public

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Young Whitaker, et al., for identification as Mississippi Choctaws, M.C.R. 6628.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Young Whitaker for himself and his six minor children, Willie, John, Joseph, Rosa, Chester and Luberta Whitaker, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Jack Jones, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jack Jones, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 160) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Young

Whitaker, Willie Whitaker, John Whitaker, Joseph Whitaker, Rosa Whitaker, Chester Whitaker and Luberta Whitaker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.

(SIGNED) C. R. Breckinridge.

(SIGNED). W. E. Stanley.

Muskogee, Indian Territory,

OCT 24 1903.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Young Whitaker, et al., for identification as Mississippi Choctaws, M.C.R. 6628.

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> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

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Id does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jack Jones, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Young

Whitaker, Willie Whitaker, John Whitaker, Joseph Whitaker, Rosa Whitaker, Chester Whitaker and Luberta Whitaker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Chairman.

COMMISSIONER

(SIGNED).

COMMISSIONER.

(SIGNED).

COMMISSIONER.

Muskogee, Indian Territory,

OCT 24 1903

M.C.R. 6628

Muskogee, Indian Territory, October 24, 1903.

A. W. Jones,

Atterney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Young Whitaker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Young Whitaker, Willie Whitaker, John Whitaker, Joseph Whitaker, Rosa Whitaker, Chester Whitaker and Luberta Whitaker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

A W J 2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Medlee.
Commissioner in Charge.

Registered.

M.C.R. 6628

Muskogee, Indian Territory, October 24, 1903.

Young Whitaker,

Turner, Indian Territory,

Dear Sir:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Young Whitaker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Young Whitaker, Willie Whitaker, John Whitaker, Joseph Whitaker, Rosa Whitaker, Chester Whitaker and Luberta Whitaker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Y. W. -- 2

COPY.

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Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 6628

Muskogee, Indian Territory, October 24, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Young Whitaker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Young Whitaker, Willie Whitaker, John Whitaker, Joseph Whitaker, Rosa Whitaker, Chester Whitaker and Luberta Whitaker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such argument will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, November 9, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Young Whitaker, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 24, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Ben Finley, et al., decision in which was rendered by the Commission August 6, 1902, and forwarded to the Department February 4, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 Enc. M.C.R. 6628.

J.W.M.

Somr No. 37589 C O P Y

D E P A R T M E N T O F T H E I N T E R I O R,

W a s h i n g t o n.

FHE.

I.T.D. 4746-1904. August 3, 1905.

L R S

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

November 9, 1903, the Commission to the Five Civilized Tribes forwarded the record in the case of Young Whitaker, et al, applicants for identification as Mississippi Choctaws, together with its decision of October 24, 1903, adverse to the applicants.

Reporting June 9, 1904, the Indian Office recommended that the action of the Commission be approved. A copy of its letter is inclosed.

It appears that the principal applicant herein claims descent through his father, Henry Jones, to one Jack Jones. The latter, it is alleged, was a full blood Choctaw and the son of John Jones.

Although the records of the Indian Office discloses that there was a John Jones who attempted to comply with the provisions of Article 14 of the treaty of September 27, 1830, it is considered that the testimony furnished by the record is insufficient to warrant the conclusion that the said John Jones was identical in

person with the principal applicant's great grandfather.

Young Whitaker was a slave. It is also probable that both of his parents were slaves, whereas there is nothing of record, so far as the Department has been advised, showing that the said John Jones who attempted to comply with article 14 of the treaty, or any of his descendants, was a slave.

The decision of the Commission referred to above is hereby affirmed.

See departmental letter of even date relative to the consolidated Mississippi Choctaw case of Samuel Nelson McGee, et al.

Respectfully,

THOS RYAN

Acting Secretary.

1 inclosure.

C O P Y

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Land.
73504-1903.

Washington, June 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application for identification of Young Whitaker, for himself, and his six minor children, Billie, John, Joseph, Rosa, Chester and Luberta Witaker, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission October 24, 1903. The testimony shows that the applicants in this case base their claim to identification on their descent from Jack Jones, grandfather of the principal applicant, through Henry Jones, the applicant's father, it being claimed that Jack Jones was a full blood Choctaw Indian, and a resident in Mississippi in 1830.

The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th Article of the Treaty of 1830, and for the additional reason that none of said applicants have ever been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made

with reference to the names of Jack Jones and Henry Jones, and it is discovered that their names do not appear among the names of those who complied, or attempted to comply, with the provisions of said Article and Treaty. Neither does it appear that either of them ever made application to the Commissions appointed under Acts of March 3, 1837, and August 23, 1842 (5 Stats. 180, 513), for an adjudication of their rights, if any they had, as Choctaw Indians. It is discovered, however, that there was a John Jones who received land under the provisions of said Article who had one child over 10 years of age at the date of the Treaty, Polly by name, who married a Samuel McGee. From the record evidence, however, it is not thought that this could be the party through whom the applicants claim. I am therefore of the opinion that the decision of the Commission, rejecting the applicant, is correct, and I concur in that finding and recommend its approval.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

CTC-Ma

M.B.R. 6628

Muskogee, Indian Territory, August 14, 1905.

Young Whitaker,

Turner, Indian Territory,

Dear Sir.

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the application for identification as Mississippi Choctaws of yourself and children, John, Joseph, Rosie, Chester and Luberta Whitaker, of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

Commissioner.

M.C.R. 6628

Muskogee, Indian Territory, August 14, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of Young Whitaker, and children, John, Joseph, Rosie, Chester and Luberta Whitaker, of which decision you were advised by mail on the 24th day of October, 1903.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 6628

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 14, 1905.

W. A. Jones,
Attorney at Law,
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of Young Whitaker, and children, John, Joseph, Rosie, Chester and Luberta Whitaker, of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

Tams Bixby

Acting Commissioner.

No. 6628

For Identification as a Mississippi Choctaw.

Date JAN 27 1903

Name Young Whitaker.

Age 42 — Blood 1/4

Post Office. Turner, I.T.

Father: ~~Dr~~ Henry Jones, — d

Mother: Jane Whitaker, —

Claims through father — 1/8.

Wife.

Mary Whitaker. C. reg.

No claim for wife

Children:

~~Ft~~

John Whitaker, 16

Joseph " 11

Rosie " 10

Chester " 6

Luberta " 4

Claim for each 8 minors

Say Dana Mitchell Wood

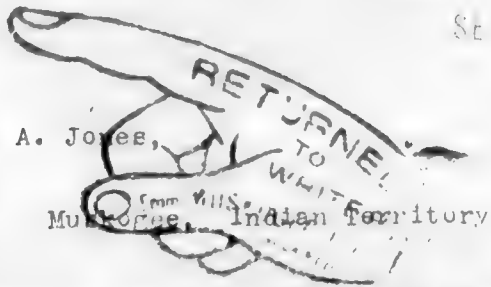
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND.
AUG 14
5 - PM

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

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SEP 1, 1905



W. A. Jones,

Name New in City Directory.

From Muskogee, Indian Territory.

Young Whitaker et

90
MENTAL ACTION
SEE A CHECKLIST AN
NASSAU NATIONAL
AUG 90

Choctaw MCR 6629

Murry Daniel

MCR 6629

#6629.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 28, 1903.

In the matter of the matter of the application of Murry Daniel for the identification of himself and his seven minor children, Willie H., Sammie, Pearl Elizabeth, Rosie L. M., Harry, Dodie and Jack Daniel, as Mississippi Choctaws.

Murry Daniel being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Murry Daniel.
Q What is your age? A I was 42 the 27th of September.
Q What is your post office address? A Talihina.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A About 12 or 13 year, I aint positive which.
Q Where before that? A In Jackfork 3 years.
Q Whereabouts is that, in the Territory? A Yes sir, Choctaw Nation.
Q Where did you live before you came to the Choctaw Nation, Indian Territory? A I was brought up until I was 20 years old in the Chickasaw Nation.
Q Where were you born? A You will have to ask the old gentleman here.
Q Were you born in South Carolina, as your father states? A Yes sir, I guess so.
Q That is your father here, William W. N. Daniel? A Yes sir.
Q He has made application himself, has he not, before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q On the 22nd day of January, 1903? A Yes sir, I suppose so.
Q Do you want to have his case considered with yours? A Yes sir.

The case of William W. N. Daniel, M. C. R. 6622, is here referred to for the purpose of consolidation; said William W.N. Daniel being the father of this applicant.

Q Well, you were born in South Carolina? A Yes sir.
Q Your father says in 1860; and when you left that state where did you go? A He come to the Territory I suppose, I have been taught that.
Q What is your mother's name? A Elizabeth Daniel.
Q Is she living? A Yes sir.

Q You claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A One quarter I guess it would be.
Q Your father claimed one quarter Choctaw blood when he appeared before the Commission, and you would be one half of that? A My mother is a white woman.
Q Now do you claim one quarter or one half of one quarter? A I guess one half of one quarter.
Q That would be one eighth? A Yes sir.
Q You claim one eighth? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know about that.
Q He has been before the Commission to be identified as a Mississippi Choctaw; it would seem that he had not been enrolled by any authority, wouldn't it; has he been enrolled? Not that I know of.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q A white woman? A Well, she's a white woman I guess; she has never proved up no right, but I guess she is part Cherokee.
Q What is her name? A Pallie Daniel.
Q Then you dont make any claim for her as a Choctaw Indian? A No sir.
Q Give me the names of your children under twenty-one years of age and unmarried that you want to make application for? A I have got their names here and I will just hand you the paper.
Q Can you read your list? A Yes sir.
Q Then you read the names and ages from your paper? A Willie H. Daniel, born March 2, 1887.
Q Is that a boy? A Yes sir.
Q He is 16 years old now? A Yes sir.
Q The next? A Sammie Daniel.
Q A boy? A Yes sir.
Q How old is Sammie? A Born February 12, 1889.
Q You claim Sammie is 14 years old? A Yes sir, 14; Pearl Elizabeth Daniel, born June 25, 1891.
Q Pearl is 12? A Yes sir.
Q The next? A Rosie L. M. Daniel, born January 15, 1895.
Q 8 years old? A Yes sir.
Q The next? A Harry Daniel, born March 20, 1897.
Q 6 years old? A Yes sir, I guess so.
Q The next name? A Dodie Daniel.
Q How old? A She's 4.
Q Is that a boy? A Girl.
Q The next? A Jack Daniel, born June 29, 1901.
Q 3 Years old? A Yes sir.
Q You claim for yourself and these seven minors do you? A Yes sir.
Q Is your wife, Pallie Daniel, the mother of these children? A Yes sir.
Q And you and she are living together as husband and wife and they are living with you at your home? A Yes sir.
Q Is your name or are the names of any of these minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made any such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
Q Do you now come before the Commission to identify yourself and your minor children as Mississippi Choctaws? A Yes sir, there's where they originated from.
Q Do you claim under article 14 of the treaty of 1830,- or dont you understand that article? A I dont understand it.

In 1830 on the 27th day of September a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty could be signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty. And in order to protect the interests ofthose Indians who stayed back in the old Choctaw Nation in their rights article 14 was put into the treaty of 1830. That article is the one under which you make your claim today. Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratificati on of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article of ~~by~~ that treaty? A I dont understand that they did.
Q What is the name of your ancestor through whom you make this claim to be identified as a Mississippi Choctaw? A(No response)
Q Now, I mean by that what is the name of your kin folks, your ancestors, in a direct line back; do you claim through your father's father or mother,or grandfather or grandmother? A My grandmother, my father's father and my grandmother.
Q Well now, give me the names? A Easter Mary Naomi Daniel I guess.
Q She was your grandmother? A Yes sir.
Q Do you claim through anyone else? A No one else only as it comes through my father.
Q ~~Is this Easter Mary Naomi Daniel your father's mother?~~ A A Thats my grandmother's name, yes sir.

Q And do you go back any further and claim through anybody else?
A No sir, I dont know any further back.
Q That's the only one you know, and is as far back as you can go?
A Yes sir.
Q But your father testified before the Commission,- William W. N. Daniel,- and may have given the ancestry a little more fully?
A He may have.
Q And you want to have his testimony referred to so you can get the benefit of what he has stated? A Yes sir.
Q How much Choctaw blood did Easter Mary Meomi Daniel have?
A I couldn't tell you, for I dont know.
Q Your father states in his testimony that she was one half Choctaw Indian, do you know anything about that? A Thats what I have been told by him.
Q What you know about your Choctaw ancestry you get from your father? A Yes sir.
Q You have heard him talk about it, and get your knowledge from him? A Yes sir.
Q What was her maiden name, your grandmother? A Bond was what I have always been told.
Q What was her husband's name? A William Daniel.
Q Did they live in Mississippi in 1830? A I dont know; thats further back than I can explain.
Q Did she live in Mississippi and have a family there in 1830, or dont you know? A I dont know.
Q Did she ever live in Mississippi or Alabama? A I suppose thats where she come from.
Q From Mississippi? A Yes sir, Mississippi.
Q Was she born in Mississippi? A I couldn.t tell you that.
Q Where did she die? A I couldn't tell you that either.
Q Did she go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830 and tell him that she wanted to stay in Mississippi, take land there and become a citizen of the states? A I dont know.
Q Did she live on land in Mississippi or Alabama in the old Choctaw Nation for five years and then get a patent of that land from the government under article 14 of the treaty of 1830? A I dont know.
Q Did she claim any land in that old Choctaw Nation under article 14 of that treaty? A I dont know.
Q Did she or any Choctaw ancestor of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A None only my father that I know of.
Q He came to the Choctaw Nation, Indian Territory? A Yes sir.
Q And has lived here for some time, as stated in his testimony?
A Yes sir, I suppose so; he raised me here.
Q He is the only ancestor of yours that you know of that came to the Indian Territory? A Yes sir, the only one I know of.
Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1843 and claim any benefits under article 14 of the treaty of 1830? A I dont know.

These Commissions were appointed by acts of Congress at different times to hear the claims of Choctaw Indians who stayed in the old Choctaw Nation and asserted that they had tried to register under article 14 of the treaty of 1830, but that Colonel Ward, the United States Indian Agent, had refused to take their names for registration, and because of his refusal to dothis the government took their land from them and sold it at its public land sales, and in order that they might establish their rights these two commissions were appointed, one in 1837 and the other in 1842.

Q Did any of your Choctaw ancestors receive any scrip from the government, which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government at its public land sales.

Q Do you speak the Choctaw language? A No sir, very little.
Q You dont understand it to carry on a conversation, do you? A No sir.
Q Is Pallie Daniel your second wife? A Yes sir.
Q What was the name of your first wife? A Luvina Daniel.
Q And did you have a daughter Susan by her? A Yes sir.
Q Your first wife had rights in the Choctaw Nation? A Yes sir.
Q And your daughter, Susan Pout, and her daughters are enrolled as Choctaw citizens are they not, claiming through their mother, Luvina Daniel, your first wife? A Yes sir.
Q And that has nothing to do with ~~their~~ your claim now for yourself and your minor children by your second wife? A No sir.

30 days time is allowed this applicant in which to introduce other evidence, if he desires, in support of this claim.

Q Is there anything more you want to say now in support of this claim? A Not that I know of.

This applicant has the appearance and physical characteristics of being descended fro white parentage; he has black hair, black eyes, dark mustache, dark complexion; has no knowledge of the Choctaw language sufficient to carry on a conversation, and no knowledge of a compliance onthe part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on January 28th, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes inthe same. W H Martin

Subscribed and sworn to before me this 29th day of January, 1903.

Charles W Sawyer
Notary Public.

M C R 6629

COPY.

Muskogee, Indian Territory, August 4, 1903.

Murry Daniel,

Talihina, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William W. N. Daniel et al., embracing the following applications for identification as Mississippi Choctaws:

William W. N. Daniel,	M C R 6622
Murry Daniel, et al.,	M C R 6629

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William W. N. Daniel, Murry Daniel, Willie H. Daniel, Sammie Daniel, Pearl Elizabeth Daniel, Rosie L. M. Daniel, Harry Daniel, Dodie Daniel and Jack Daniel, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M D 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.

Register. Commissioner in Charge.

M.C.R. 6629

COPY.

Muskogee, Indian Territory, July 23, 1904.

Murry Daniel,

Talihina, Indian Territory.,

Dear Sir:

You are hereby notified that on the 8th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William W. N. Daniel et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

(SIGNED)

T. B. Madden.

Commissioner in Charge.

( ) No. 6629

For Identification as a Mississippi Choctaw.

Date JAN 28 1903

Name Murry Daniel -

Age 42 Blood 1/8

Post Office ~~Fall~~ Talihina, I.T.

Father William W. N. Daniel, l.

Mother Elizabeth " l.

Claims through father ——

Wife.

Pallie Daniel - l.w. and chemawa

No claim for wife -

Children: -

Willie H. Daniel, 16

Sammie " 14

Pearl E. " F. 12

Rosie L. M. " 8

Harry " 6

Dodie " F. 4

Jack " 2

Claims for self & 7 minors

Stenographer W. A. Martin

Murry Daniel et

ACTION APPROVED BY
SECRETARY OF INTERIOR.
JUL 1904

JUL 1904

Choctaw MCR 6630

John C. Tipton

MCR 6630

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 29, 1903.

In the matter of the application of John C. Tipton for identification as a Mississippi Choctaw.

Thomas & Harrison, Attorneys for applicant , represented by Mr. Harrison:

John C. Tipton, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A John C. Tipton.
Q What is your age Mr. Tipton? A Forty.
Q What is your post office address? A Los Angelos California.
Q How long have you lived there? A Seven years in the vicinity
Q How long in California? A Seven years.
Q Where were you born? A Montgomery County Kentucky.
Q Where did you go to from Kentucky? A Went to Tennessee.
Q And from Tennessee where? A To California.
Q And have been there the last seven years? A Yes.
Q Is your father living? A No sir.
Q What was his name? A James-Edward Tipton.
Q Is your mother living? A Yes, sir.
Q What is her name? A Mary Trimble.
Q Is that her present name? A Yes, married the second time.
Q Through which parent do you claim Choctaw blood? A My mother
Q Has your mother ever been before the Commission to be identified as aMississippi Choctaw? A No, sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Claim your mother was one fourth? A Yes, sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A No, sir.
Q Are you married now? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What is her name? A Maiden name?
Q No, her present name? A Elizabeth Tipton.
Q Do you claim she has any Choctaw blood? A No sir.
Q You don't make any claim for her? A No, sir.
Q What is her nationality? A Scotch and English.
Q You have no children? A No, sir.
Q You make claim for yourself alone? A yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, sir.
Q Have you ever made any such application to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A No, sir.
Q This is your first application of any kind is it for citizenship in the Choctaw Nation? A Yes sir?

Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority up to the present time?
A No sir.
Q Do you now desire to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830?
A Yes, sir.
Q Do you understand that article Mr Tipton - article fourteen of the treaty of 1830? A Well, I've read it over, I understand it; I read it over myself, you see and I think I understand it.

The article without the explanation is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bound d by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830
A I've been told that they did.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw. A Well I don't know the exact ancestor; I claim through my mother.
Q I want you to go back as far as 1830 if you can and give me the name of a Choctaw ancestor who lived in the old Choctaw Nation - that would be the only one who could comply with article fourteen. A Hopiah.
Q How do you spell that? A H-o-p-i-a-h.
Q That's an Indian name is it? A Yes, sir.
Q And what relation was Hopiah to you - that is an ancestor, is it not? A Yes, sir.
Q Is that a man or woman? A A man.
Q Now what relation was he to you? A Well he married -- well I can't explain it at all.
Q You claim through your mother Mary Trimble? A Yes.
Q Through whom does she claim her Choctaw blood ? A Her father.
Q What was his name? A Firman Cheatham.
Q Now that was your grandfather? A Yes.
Q Through whom did he claim his Choctaw blood - his father or mother? A His mother.
Q What was her name? A Polly, I believe.
Q Polly what? A Polly Harper.
Q Was that her maiden name or her married name? A That was her maiden name .

Q Polly Harper was her maiden name? A You've got me all mixed up; I don't know only what I've been told; I'm just trying to recollect what I've been told, but to come down to the facts, I've never seen any of these people at all that far back; Firman Cheatham, I know was my grandfather.
Q Are you able to go back any further than Firman Cheatham?
A No, sir.
Q Where did this ancestor Hopiah belong in the line of ancestry?
A Well, I cant intelligently answer that.
Q Can you give the name of any Choctaw ancestor who lived in the old ChoctawNation either in Mississippi or Alabamain 1830 who was the head of a family there then? No, sir.
Q Do you know whether Hopiah ever lived in Mississippi or Alabama? A No, sir I don't know.
Q Did Polly Harper ever live there? A I cannot say.
Q Did Firman Cheatham ever live there? A No sir.
Then as I understand you, you yourself have no knowledge that you can give in your testimony as to a Choctaw ancestor who lived in the old Choctaw Nation in 1830 and was the head of a family there then? A I do not know.
Q Do you know of any Choctaw ancestor who went to Colonel William Ward within six months after the ratification of the treaty of 1830 and told him that he or she or whoever went before him of your ancestors, desired to stay in Mississippi, take land and become citizens of the states? A No, sir.
Q Did you ever hear of a Choctaw ancestor of yours who lived on land in the old Choctaw nation for five years and at the end of that time received a deed of that land from the government under article fourteen of the treaty of 1830?
A No, sir.
Q Did any of your Choctaw ancestors to your knowledge claim any land in the old Choctaw Nation under article fourteen of that treaty? I understand that's the claim they are making now.
Q Yes, but at that time, I mean? A O, no.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the ChoctawNation Indian Territory with the other Indians between 1833 and 1842? A I do not know sir.
Q Did any of them at any time between the ratification of the treaty of 1830 and the date of this application made by you today go to the Choctaw Nation Indian Territory for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A I donot know.
Q Did any of them own any improvements in that old Choctaw Nation in 1830 or 1831? A I do not know.

In 1837 by act of Congress approved March 3 of that year and also in 1842 by act of Congress approved August 23 of that year, commissions were appointed which Commissions went to Mississippi one in 1837 and the other in 1842, and heard claimants under article fourteen of the treaty of 1830; these commissions were appointed because of the complaints of Choctaw Indians who stated that they had gone to Colonel William Ward the United States Indian agent within six months after the ratifiantion of the treaty of 1830 and attempted to register under article fourteen of that treaty but Colonel Ward had refusedto accept their names for registration and because of his refusal those Indians lost the land which they occupied in the oldChoctaw Nation for it was taken from them by the government and sold at its public land sales.

Q Did you ever hear that any of your Choctaw ancestors went before either the Commission of 1837 or the Commisdon of 1842 and claimed any rights under that article or not? A No, sir I didn't hear.

The act of Congress approved August 23 1842 provided that if any Choctaw Indian proved his claim under article fourteen of that treaty and also further proved that his land had been taken from him and sold that he should be entitled to select land either in Mississippi Alabama Louisiana or Arkansas to be taken from government land and that a certificate or scrip should be issued authorizing him to make selections.

Q Did any of your Choctaw ancestors to your knowledge receive any such scrip? A Well I noticed on the records x in the office down here this morning - Hopiah - this Indian, had received scrip -- there is one by that name that received scrip I notice on the book.
Q You claim that Hopiah was a relative of yours? A Yes, I claim that that's the name I've been told.
Q But you are not able to show your relationship? A No, sir.
Q Then you have seen this name Hopiah upon the records and believe that that person received scrip from the government?
A Yes, I have reason to believe that's the name.
Q You don't know whether that scrip was issued under the commission of 1842 or not? A No I don't; I do not know.
Q Do you speak or understand the Choctaw language? A No, sir.
Q Do you know who Jasper Chambers is? A No, I do not..
Q Don't know whether he's a relative of yours? A Well, he's supposed to be a relative of mine, I'm told.
Q Do you know what relation? A No sir.

Examination by Mr. Harrison, Attorney for applicant.

I desire to have this case consolidated with the leading case of Jasper Chambers and the other relatives.

Q You claim that Jasper Chambers is a relative of this ancestor? A Yes, sir.
Q And all these relatives are the descendants of a common ancestor? A A common ancestor. John Harper is his English name ; his Indian name is supposed to have been Hopiah.

By the Commission to Mr. Harrison:

Q It is your intention to show that this applicant is a descendant of John Harper? Yes, sir.

The case of Jasper Chambers M.C.R. 5670 is here referred to for the purpose of consolidation.

Q You are not able to testify Mr Tipton at the present time in reference to your relationship with John Harper? A No, I am not prepared to testify at the present time because I never met him in my life; I'm told he is a relative of mine.
Q Do you think if you were allowed further time you could supply testimony on that point? A Yes, sir.

Thirty days time is allowed this applicant for the introduction of further testimony.

Examination by Mr Harrison:

Q Your grandfather was Firman Cheatham was he not. A Yes, sir.

Q What was the name of your grandfather? A Louisa I believe.
Q Do you remember what her maiden name was? A Bradshaw.
Q Do you give the name of Louisa Bradshaw as the maiden name of your grandmother? A Yes, sir.
Q What was the name of the father of Firman Cheatham your grand father if you have heard? A I've heard it often enough but I've forgotten it.
Q Was it John Cheatham? A yes, sir.
Q Whom did John Cheatham marry? A Polly Harper.
Q Who was Polly Harper? A She was the daughter of John Harper.
Q And what was her mother's name Polly.
Q Who do you understand to have been your ancestor - that is his English name; the English name of your ancestor who attempted to take land as a Choctaw in Mississippi in 1830?
A John Harper.
Q Is this the same John Harper that you have just testified about as being the husband of Polly? A Its the same one.
Q And the parents of Polly who married John Cheatham. What you know about John Harper and your ancestors and your family history you get from tradition and what older members of your family told you? A That's right, yes.
Q You dont undertake to testify from your personel knowledge as to the identity of John Harper? A No sir.
Q But you do say that you have been taught and made to understand that John Harper is the ancestor through whom you claim your Choctaw blood? A Yes, sir.
Q Do you know or have you heardof any old people by whom you may be able to present proof in support of your claim?
A I don't know of any one?
Q Did you ever hear of a man by the name of Peter Manly? A yes sir I've heard of him.
Q Did you ever hear of him in connection with this case?
A I have, yes, sir.
Q And you have reason to believe that peter Manly is in possession of information that would be valuable in support of your claim? A Yes, sir, I believe that, alright.
Q How old a man is peter Manly? A He's said to be about eighty nine years old.
Q Where does he live? A He lives in Kentucky.
Q Where did you get this name of Hopkah? A I've been told by my mother that he was the Indian from Mississippi.
Q You got it from your family history then? A Yes sir.
Q Hopkah was the Indian name of John Harper? A Yes, sir.
Q You spoke of seeing the name on a book. When did you see that and where? A I examined the book today in the office on the second floor here.
Q Of the Commission? A Yes of theCommission, the Dawes Commission and I saw this name appear on the book, on the records.
Q What is your information that John Harper made any attempt to comply with article fourteen of the treaty of 1830; that i attempted to get his land in Mississippi as a Choctaw?
A I've been told that he tried that. Q Cant you tell just what your information was? A I was told he went to Mississippi for the purpose of getting land.
Q Where did he go from? A Went from Kentucky.
Q Who went with him if anybody? A Manly I think, went with him, one of the Manleys.

This applicant has the appearance and physical characteristics of being descended from white parentage; has black hair black eyes; dark complection; black mustache; he has no knowledge of the Choctaw language and his testimony is that his

knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830 is based on family history and tradition.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes hse reported in full all proceedings had in the above entitled cause on the 29th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 3rd day of February 1903

Charles Kavanaugh
Notary Public.

M.C.R. 6630.

Muskogee, Indian Territory, April 15, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 11, 1903, enclosing certified copy of marriage record of James E. Tipton and Mary Cheatham; offered for filing in support of the application of John C. Tipton, et al., for identification as Mississippi Choctaws.

The same has been filed with the record in this case.

Respectfully,

Chairman.

M C R 6630

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified John C. Tipton that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

1078 C.B.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
M C R 6630

Muskogee, Indian Territory, November 5, 1903.

John C. Tipton,

Los Angeles, California.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6630

Muskogee, Indian Territory, March 14, 1904.

John C. Tipton,

Los Angeles, California.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of said decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in said case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M. C. R. 6630.

Muskogee, Indian Territory, June 26, 1905.

John C. Tipton,

Los Angeles, California.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

No. 6630

For Identification as a Mississippi Choctaw.

Date JAN 25 1903

Name John C. Tipton

Age 40 - Blood 1/8

Post Office, Los Angeles, Cal. -

Father: James E. Tipton, d.

Mother: Mary Trimble l.

Claims through Mother. 1/4

Wife,

Elizabeth Tipton. l.w.

No claim for wife. -

Children:

Claims for each alone.

Stenographer Clara Mitchell Wood.

LOS ANGELES CAL. NOV 13 1903 RECD

6630

File

LOS ANGELES, CAL. NOV 13 1903 GENERAL DEL'Y

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 21 1903

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

John C. Tipt[illegible]

Los Angeles, California.

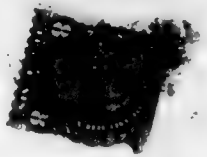
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

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MAY 2 1904

CHAIRMAN

REGISTERED
LOS ANGELES
MAR
25
1904



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MAR 25 1904

John [illegible] Tipton,
[illegible], California.

Second Notice
MAR 29 1904

APR 26 1904

Third Notice
APR 1 1904

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

John. C. Tipton

DECISION RENDERED. MAR 4 1904

COPY OF DECISION FORWARDED ATTORNEYS OF CHOCTAW AND CHICKASAW NATIONS MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION MAILED ATTORNEY MAR 1 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY SECRETARY OF INTERIOR

M...

NOTICE OF APPROVAL MAILED

JUN

NOTICE FORWARDED AT

NOTICE OF DECISION FORWARDED AT ... AND CHICKASAW AGENCY

REFER TO M. C. R.

M...

Choctaw MCR 6631

William Boyd

MCR 6631

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of William Boyd, for identification as a Mississippi Choctaw, M.C.R. 6631.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of William Boyd to the Dawes Commission for identification as a Mississippi Choctaw----------	1
Decision of the Commission refusing the application of William Boyd for identification as a Mississippi Choctaw----------	7

----o----

Before the Commission to the Five Civilized Tribes at Muscogee,
Indian Territory.

In the matter of the application of [illegible]
[illegible] for identification.
as a Mississippi Choctaw.

To [illegible], attorneys of record, [illegible]:—

You will please take notice that on the 1st day of June, 1903, [illegible] will present to the Commission to the Five Civilized Tribes, at Muscogee, Indian Territory, the application of [illegible] for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes at Muscogee, I. T., at the office of [illegible] Smith, in Meridian, Lauderdale County, Mississippi, between the hours of [illegible] A. M. and 6 o'clock P. M. on the same day and that the taking of the testimony will be continued from day to day in the same place between the hours of 8 A. M. and 6 P. M. until the same is completed.

W. H. Springfield
Attorney for Applicant.

[illegible] above notice is hereby acknowledged to have been [illegible] this [illegible], 1903.

UNITED STATES OF AMERICA,
Indian Territory,
Central District. } ss

I Hereby certify that I served the above Notice together with Interrogatories to be prepounded to Tom Clark, Paro Ivy, Mr. Mosley, Mrs. Moseley, Geo. Moseley, John Hines, Grace Lowery, Joe Dickerson and Mrs. Joe Dickerson, attached thereto, on Mansfield, McMurray & Cornish, Attorneys for Choctaw and Chickasaw Nation of Indians, by delivering a true copies of said notice and interrogatories to Melven Cornish, a member of said firm, at their office in the city of South McAlester, I.T., this 18th day of May 1903 at 2:15 o'clock P.M.

BENJ. F. HACKETT,
U. S. Marshal.

By [signature]
Deputy.

In the matter of the application of Wm. H. Boyd)
for identification as a Mississippi Choctaw.) AFFIDAVIT.

Wm. H. Boyd, being duly sworn, upon oath states that his name is Wm. H. Boyd; that he is twenty-two years of age; that he is a resident of Boonville Mississippi; that on January 29, 1903, he personally made application to the Commission to the Five Civilized Tribes at Muscogee, I. T. for identification as a Mississippi Choctaw That on account of his poverty, he was unable to secure the attendance of witnesses in support of his claim; that said witnesses are non-residents of Indian Territory and that the testimony of the said witnesses is material to the establishment of his claim.

And that he expects to prove by said witnesses that his mother was a Mississippi Choctaw, and that he as her son is entitled to a share ~~of~~ in the ~~Claim~~ distribution of the Choctaw land and money, and that the evidence of these witnesses will establish the said facts.

He therefore makes application to the Commission to the Five Civilized Tribes to take the depositions at the office of Jeff Smith at Boonville, County of Prentiss, Mississippi, of the fo lowing witnesses to wit: Tom Clark, Boonville, Miss.; John Hines, Boonville, Miss.; George Mosley, Boonville Miss.; Mrs. Mosley, Boonville Miss.; Mr. Mosley, Boonville Miss.; Paro Ivy, Boonville Miss.; Grace Lowery, Boonville Miss.; Mrs. Joe Dickerson, Baldwin, Miss.; Mr. Joe Dickerson, Baldwin, Miss.; in support of his claim for identification as a Mississippi Choctaw, as aforesaid.

W H Boyd

Applcant.

Subcribed and swornto before ne this 9 day of June 1903.

L. A. Hardin

Notary Public

My Commission Expires May 9, 1907

6L 31

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 29, 1903.

In the matter of the application of William Boyd for identification as a Mississippi Choctaw.

William Boyd, being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A William Boyd.
Q What is your age? A Twenty [illegible] years old.
Q What is your post office address? A Booneville Mississippi
Q How long have you lived in Mississippi? A I've been in Mississippi ever since I was born.
Q Born there and always lived there? A Yes sir.
Q Did you come from Mississippi here? A Yes sir.
Q When did you get into the Indian Territory? A I been in here about three or four days.
Q Are you going back to Booneville? A Yes, sir; I was working out there for a man and I told him I was going to come back and work for him.
Q Is your father living? A No sir he's dead.
Q Is your mother living? A No sir she's dead.
Q What was your father's name? A Henry Boyd..
Q What was your mother's name? A Mary Martin.
Q Mary Martin was her maiden name? A Yes, sir.
Q Her last name was Mary Boyd? A Yes sir.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A I claim to be about half.
Q Was your mother a full blood Choctaw Indian? A No sir she wasn't quite full blood.
Q How much Choctaw blood did your mother have? A I reckon she was near about full; she was a little over half.
Q Was she three quarters? A Yes sir - somewhere along there.
Q Well do you get all your Choctaw blood from your mother.
A Yes, sir, most of it.
Q Do you get any from your father? A My father called himself part Choctaw.
Q Do you claim through your father? A Yes, sir.
Q How much Choctaw blood did your father have? A He claimed to be half.
Q Have your parents ever been recognized or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I don't know sir; they never did tell me.
Q They never lived in the Indian Territory? A No sir.
Q Your father and mother both lived in Mississippi?
A Yes, sir.
Q Lived there? A Yes, sir.
Q And born there? A No sir.
Q Where was your mother born then? A She was born in the Indian Territory, somewhere but she never did say where.
Q And then did she go from the Indian Territory to Mississippi?
A Yes, sir.

Q Where was your father born? A He claimed he was born in the Indian Territory too.
Q And then did he go to Mississippi? A Yes, sir.
Q Are you married? A No sir.
Q Claim for yourself a lone do you? A Yes sir.
Q You say your father was one half Choctaw; what was his other blood? A I reckon he would go as negro.
Q And your mother you say was a little more than one half Choctaw? A Yes sir.
Q But you cant tell how much? A No sir.
Q What was her other blood? A White.
Q You claim then to be white negro and Indian? A Yes sir.
Q Was your mother a slave at any time? A Yes sir.
Q And was your father? A Yes sir..
Q How is it that your mother was a slave if she was a white woman? A She wasn't a slave but she was born in slavery time; she wasn't big enough to make a slave.
Q She was owned at that time by a master? A Yes sir by a master
Q Well she was a slave; how was it if she had Indian and white blood only that she was born in slavery? A I don't know sir; she claimed her mammy was a full Indian and her father was a white man.
Q Was her mother a slave? A No sir.
Q Was her father? A No sir.
Q How did she come to be a slave ? A I don't know sir; she just stayed with her father.
Q Who owned her? A A white man named Martin.
Q How did she happen to be owned by him? A He was her daddy.
Q You don't know much about it do you? A No sir; not very much; she said he was her daddy.
Q Was your father a slave? A Yes sir. No sir, I don't know whether he was a slave; he never did tell me.
Q What makes you say he was a slave if you don't know; you don't want to say he was if you don't know.
Q Was he owned by a white man? A I don't know sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian territory? A I don't know sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian territory? A I went to ask them what steps I must take to get my rights a month before Christmas.
Q Who did you go to? A To the Secretary at Washington City.
Q That's the only effort you ever made up to the present time?
A Yes, sir.
Q Did you go before the Commission in '96 and try to get enrolled as a Choctaw Indian under act of Congress of June 10, 1896? A I went before one down there; I don't know whether it was that or not.
Q Did you go in '96? Before the Dawes Commission in the Indian Territory? A I don't know sir whether it was1896 ; it was 1902.
Q Who did you go to in 1902? A I went to the Secretary in Washington.
Q All you ever did was to write to Washington to some authority there about your rights as Choctaw Indian? A Yes, sir.
Q You never have been admitted to citizens hip in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Courtin the Indian Territory have you? A No, sir.
Q Do you come before the Commission now to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article? A Not very much I dont.

The treaty of 1830 which is sometimes calld the treaty of Dancing Rabbit Creek was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year; the object of that treaty was to get the consent of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to go from there and live in the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under the general provisions of the treaty and in order to protect the interests of those Indians who stayed back in that old Choctaw Nation, article fourteen was put into the treaty of 1830. Now an article in a treaty is one of its paragraphs or sections or subdivisions. Article fourteen underwhich you are making your claim today, in that treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five yearsafter the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of theChoctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied with article fourteen of the treaty of 1830 or not? A I don't know.
Q Do you know what an ancestor is? A No, sir.
Q An ancestor is a relative of yours from whom you are descended in a direct line of descent - your mother and father are ancestors and their parents are ancestors of yours and so on going back in a direct line to remote ancestors or old folks from whom you are directly descended. What is the name of any ancestor of yours that you make your claim through ; I mean your father, mother, grandfather, grandmother, or any of those people that you are descended from? A My grandmother.
Q What is her name? A Sarah Martin.
Q That was your grandmother? A Yes, sir.
Q On which side, your father or mother? A Father's side.
Q Did Sarah Martin have any Choctaw blood? A Yes, sir.
Q And was she your father'smother? A No sir - she was my mother's mother; she was my grandmother.
Q She was your mother's mother was she? A Yes, sir.
Q Do you know your mother's father? A Yes, sir.
Q What's his name? A Martin, Bob Martin.
Q He was a white man? A Yes, sir.
Q That's on your mother's side; do you know your father's father's name? A No, sir.
Q Do you know your father's mother's name? A No, sir.

Q But you claim Choctaw blood through your father and mother both do you? A Yes, sir.
Q Was your father one half Choctaw? A Yes, sir.
Q How much Choctaw blood did your grandmother Sarah Martin have?
A She was half.
Q Did any of your Choctaw ancestors live in Mississippi or Alabama? A Yes, they lived in North Carolina.
Q Did any of your ancestors live in the state of Mississippi or Alabama? A My father and mother?
Q Well now didyou say that your father and mother were both born in the Indian Territory? A Yes, sir, that's what they said.
Q And went from the Indian Territory to Mississippi? A Yes sir.
Q How did it happen that they went from the Indian Territory to Mississippi? A I don't know sir, they didn't tell me how come; they told me they left the Indian Territory and went to North Carolina, Mississippi. They come from North Carolina back to Bolivar and back to Tupelo.
Q You know North Carolina is a state don't you? A Yes.
Q And Mississippi is a state? A Yes, sir.
Q Do you mean that they went to North Carolina and from there to Mississippi? A They went to North Carolina and back to Tupelo.
Q Give me the name of an ancestor of yours if you can who lived in the state of Mississippi or Alabama in 1830 and had a family there then; can you give one? In the old Choctaw Nation either in Mississippi or Alabama in 1830? A No, sir.
Q Do you know of any ancestor of yours who didlive in the old Choctaw Nation in Mississippi or Alabama in 1830 and 1831 and who went to Colonel Ward the Indian agent within six months after the ratification of the treaty of 1830 and registered or attempted to register under article fourteen of that treaty
A No, sir I don't.
Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation in Mississippi or Alabama five years and then get a patent of that land from the government? A I don't know sir whether they did or not.
Q Did any of them claim any land or own any land under article fourteen of the treaty of 1830? A My mamma did and my father too.
Q Owned land in the old Choctaw Nation under article fourteen of the treaty of 1830? A yes, sir.
Q Now if your father and mother were slaves how could they own land in Mississippi or anywhere else? A My mamma didn't go as a slave; didn't call herself any slave.
Q Do you mean to say your mother wasn't a slave? A She was born in the Indian Territory in time of slavery; she wasn't any slave.
Q Did she live in Mississippi during slavery time? A She moved there after the war.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of theMississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I reckon they did; I don't know sir; I suppose they did.
Q Who went to the Indian Territory? A I don't know the names.
Q You say your father was born in the Indian Territory? A Yes, sir.
Q You say your mother was born in the Indian Territory? A Yes, sir.

Q Therefore their mothers must have been in the Indian Territory; did they go from Mississippi to the Indian Territory or not?
A Yes, sir.
Q Do you know when they went? A No, sir, I don't know what time it was.
Q Do you know whether it was between 1833 and 1838? A Between 1833 I think.
Q Between 1833 and what? A I don't know sir.
Q Did they go at the expense of the government or at their own expense? A I don't know sir.
Q Did they go from Mississippi or Alabama or from North Carolina or some otherstate? A They went from Mississippi I think.
Q Do you know whether your mother's people were born in Mississippi or some other state? A No, sir, I don't.
Q Were your father's people born in Mississippi or somewhere else? A I don't know sir.
Q Did any of your Choctaw ancestors go before a Commission appointed by act of Congress approved March 3, 1837 or before a commission appointed August 23, 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I suppose my grandmother did.
Q Now what did your grandmother do; just repeat enough of it so I can know you understand the question. A She went before the government and made application for her rights.
Q When did she do that? A I reckon she did it when she come to the Indian Territory.
Q What was her name? A Sarah.
Q Sarah Martin? A Yes, sir.
Q Do you know she went before the Commission of 1837? A I don't just really know it but I think she did.
Q How about the Commission of 1842; do you know whether she went before that Commission? A I dont know sir.
Q What makes you think she went before the Commission of 1837?
A My mother said she went before one commission; I don't know which it was; my mother didn't know.
Q Was it in Mississippi she went? A I don't know sir; I didn't hear her say.
Q Did she get anything when she went before that commission?
A I heard mamma say she did.
Q What did she get? A I think she got some money or land or something.
Q Where was that land situated? A I don't know sir; mother never said.
Q Do you know whether it was money or land? A No, sir, I don't

The commission appointed by Congress under an act approved August 23, 1842 issued scrip or certificates to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the government and sold.

Q Do you know whether any of your Choctaw ancestors got any such scrip or not? A No, sir, I don't.
Q Do you speak or understand Choctaw? A No, sir.
Q You don't understand it? A No, sir.
Q Have you any proof you want to present now in support of this claim? (Presents a paper to the Commission)

Q What are these names? A Witnesses.
Q Where at they? A Booneville, Mississippi.

Q Well, it don't do any good to present their names. What are you going to do about it? I said if you need any witnesses to send there and get their names.

Q I don't care whether you get them or not; I have nothing to do with working up the evidence in your case; if you have witnesses who can testify to anything material in this application made by you, the Commission will allow you thirty days time in which to introduce this testimony; if you wish to put these witnesses before the Commission you will be allowed to do so; the Comm ission does not take any such responsibility. Where the personal attendance of witnesses is impossible their depositions are the next best evidence taken under the rules of the Commission; and if the depositionsare not taken or cannot be taken then affidavits- ex parte affidavits will be accepted although such affidavits are not considered by the Commission as very good evidence in any case.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry of Negro white and Indian blood; he claims Choctaw Indian blood; his hair is black and a little curly; lips are thick; his color shows negro blood and a mixture of either white or Indian or both. The Commission is of the opinion that he has Indian blood although the quantity cannot be determined from his personal appearance; he has no knowledge of the Choctaw language and no knowledge of compliance on the partof his ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being duly sworn states that as stenographer for the commission to the five Civilized Tribes she reported the above case on the 29th day of January 1903 and that this is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 3rd day of February 1903.

Charles M. Lawyer
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application of William Boyd, for identification as a Mississippi Choctaw, M.C.R. 6631.

---: D E C I S I O N :---

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission by William Boyd for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Sarah Martin and Henry Boyd, who are alleged to have been half blood Choctaw Indians.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Sarah Martin, or Henry Boyd, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Boyd, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty

of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER

(SIGNED)
COMMISSIONER

Muskogee, Indian Territory,

AUG 8 1903.

M C R 6631

Muskogee, Indian Territory, March 10, 1903.

William H. Boyd,

Tecumseh, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you ask if it is necessary for you to again appear before the Commission at Muskogee.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for identification as a Mississippi Choctaw. No decision or opinion has yet been reached in your case. As soon as a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

M C R 6631

Muskogee, Indian Territory, March 26, 1903.

C. H. Leever,

Attorney at Law,

Shawnee, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you ask to be advised the names of the attorneys for the Choctaw and Chickasaw Nations upon whom service of notice must be made to take depositions to prove up the claims of Mississippi Choctaws. You state that a Mississippi Choctaw by the name of Will Boyd made application to be placed on the roll for allotment and on account of lack of means was unable to take depositions at that time to prove his claim.

In reply to your letter you are informed that it appears from the records of the Commission that William Boyd, twenty-two years of age, post office address Booneville, Mississippi, is an applicant to this Commission for identification as a Mississippi Choctaw. The Commission has not up to the present time reached any opinion or decision relative to his right to such identification. As soon as a decision is rendered he will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

C H L 2

You are further advised that Messrs. Mansfield, McMurray & Cornish, South McAlester, Indian Territory, are the attorneys for the Choctaw and Chickasaw Nations upon whom service of notice to take depositions should be made.

If you desire to introduce depositions of witnesses in support of the claim of William Boyd, such depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

You will be allowed fifteen days from this date within which to apply for a commission authorizing the taking of such depositions in accordance with the rules and regulations herein referred to.

Respectfully,

Chairman.-

R & R Dep.

M C R 6631

Muskogee, Indian Territory, March 27, 1903.

W. H. Springfield,
Attorney at Law,
Tecumseh, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you ask to be advised relative to the proof necessary and requisite in establishing the claim of "a client of mine, one William H. Boyd." You make certain statements regarding the Choctaw ancestors of your client and ask if such facts can be established "will my client be entitled to distribution, and will affidavits be sufficient to establish the above."

In reply to your letter you are informed that it appears from our records that William Boyd, twenty-two years of age, residence Boonville, Mississippi, made application to this Commission, on January 29, 1903, for identification as a Mississippi Choctaw. The Commission has not yet reached any opinion or decision relative to his right to such identification. As soon as a decision is rendered the applicant will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are

W H S 2

possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830, and that such ancestors complied with the provisions of article fourteen of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits offered in support of applications for identification as Mississippi Choctaws, but prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that your witnesses are incapacitated from making personal appearance on account of old age or infirmity or non-residence in Indian Territory, their depositions may be considered when taken in accordance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

Respectfully,

R & R Dep.

Chairman.

M C R 6631

Muskogee, Indian Territory, April 29, 1903.

W. H. Springfield,

Tecumseh, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 23, 1903, enclosing affidavit of W. H. Boyd, together with interrogatories to be propounded to Tom Clark, Paro Ivy, Mr. Moseley, John Hines, Mrs. Moseley, George Moseley, Grace Lowery, Mrs. Joe Dickerson and Joe Dickerson in the matter of the application of William Boyd for identification as a Mississippi Choctaw, and the same are returned to you herewith for the reason that subdivisions D and E of rule 2, and rules 12 and 13 of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, have not been complied with.

A copy of said rules is enclosed you herewith, and by reference thereto you will note that proof of service upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray & Cornish, South McAlester, Indian Territory, of a copy of the interrogatories must be filed with the Commission.

The affidavit of W. H. Boyd is irregular in that it does not state the names and residence of the witnesses whose depositions he desires to have taken.

V X S 2

Upon return of the above mentioned papers, in proper form, the same will receive further consideration.

Respectfully,

Chairman.

M C R 6631

Muskogee, Indian Territory, May 13, 1903.

W. H. Springfield,

Attorney at Law,

Tecumseh, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you ask how service of interrogatories to be used in the Mississippi Choctaw case of William H. Boyd, et al., may be had upon the attorneys for the Choctaw and Chickasaw Nations.

In reply you are informed that you should send the original interrogatories and one copy thereof to the United States Marshal at South McAlester, Indian Territory, with instructions to make service of the copy upon said attorneys, returning the original with proof of service attached.

Respectfully,

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, June 1, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, Oklahoma Territory.

Sir:

The Commission is in receipt of the affidavit of W. H. Boyd, together with interrogatories to be propounded to Tom Clark, Pare Ivy, Mr. Moseley, John Hines, Mrs. Moseley, George Moseley, Grace Lowery, Mrs. Joe Dickerson and Mr. Joe Dickerson, in behalf of William Boyd, an applicant for identification as a Mississippi Choctaw.

You are informed that the affidavit of W. H. Boyd is insufficient, inasmuch as it does not conform to Rule 2 of the Rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, wherein it provides that the affidavits must set forth that the testimony of the witnesses is material to his claim and specify the evidence sought to be adduced in the taking of such depositions.

For your guidance, there is enclosed a copy of the Rules and Regulations governing the procedure in the taking and submission of depositions.

Respectfully,

Enclosures:
J.D. #1.
Rules & Regulations.

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 3, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, O. T.

Sir:

The Commission is in receipt of your communication of June 9th, 1903, enclosing the affidavit of W. H. Boyd, wherein he sets forth his reasons for desiring to have certain depositions taken in support of his application for identification as a Mississippi Choctaw; also interrogatories to be propounded to said witnesses with proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form, have been filed with and made a part of the record in the application of William Boyd, M.C.R. 6631, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, commissions will be issued for the taking of these depositions and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 15, 1903.

William H. Springfield,
Attorney-at-Law,
Tecumseh, Oklahoma Territory.

Sir:

Receipt is hereby acknowledged of your letter of June 9th, 1903, enclosing the affidavit of W. H. Boyd, wherein he sets forth his reasons for desiring to have certain depositions taken in support of his application for identification as a Mississippi Choctaw; also interrogatories propounded to said witnesses with proof of service upon the attorneys for the Choctaw and Chickasaw Nations.

The same are, herewith, returned to you for the reason that the full names of Mr. and Mrs. Mosely of Boonville, Mississippi are not given.

Respectfully,

Enclosure:
J.D. #6.

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 22, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, Oklahoma Territory.

Sir:

Enclosed please find commission to take the deposition of George Mosley, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of William Boyd, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J.D. #23.

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 22, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, Oklahoma Territory.

Sir:

Enclosed please find commission to take the deposition of John Hines, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of William Boyd, pending before the Commission to the Five Civilized Tribes. Attached to this Commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J. D. #22.

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 22, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, Oklahoma Territory.

Sir:

Enclosed please find commission to take the deposition of Mrs. Lewis Mosley, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw, of William Boyd, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J.D. #24.

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 22, 1903.

W. H. Springfield,

Attorney-at-law,

Tecumseh, Oklahoma Territory.

Sir:

Enclosed please find commission to take the deposition of Mr. Lewis Mosley, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of William Boyd, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J.D. #26.

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 22, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, Oklahoma Territory.

Sir:

Enclosed please find commission to take the deposition of Paro Ivy, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of William Boyd, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J. D. #26.

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 22, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, Oklahoma Territory.

Sir:

Enclosed please find commission to take the deposition of Grace Lowery, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of William Boyd, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J.D. #27.

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 22, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, Oklahoma Territory.

Sir:

Enclosed please find commission to take the deposition of Mrs. Joe Dickerson, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of William Boyd, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J. D. #28.

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 22, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, Oklahoma Territory.

Sir:

Enclosed please find commission to take the deposition of Joe Dickerson, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of William Boyd, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J.D. #29.

Commissioner in Charge.

M.C.R. 6631.

Muskogee, Indian Territory, July 22, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, Oklahoma Territory.

Sir:

Enclosed please find commission to take the deposition of Tom Clark, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw, of William Boyd, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by an officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J. D. #21.

Commissioner in Charge.

M C R 6631

COPY.

Muskogee, Indian Territory, August 8, 1903.

William Boyd,

Tecumseh, Oklahoma,

Dear Sir:

You are hereby advised that on the 8th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of William Boyd an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats.,495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Boyd, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the

W B 2

papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Registered.

Commissioner in Charge.

N C R 6631

COPY.

Muskogee, Indian Territory, August 8, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of William Boyd an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Boyd, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. D. Madden.

Commissioner in Charge.

Miss.Choctaw R6631

Muskogee, Indian Territory, August 21, 1903.

W. H. Springfield,

Attorney at Law,

Tecumseh, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 17, stating that your client has used every effort to raise the money to take depositions in his case, M. C. R. 6631, and has failed, and you ask if there is not some way provided by the Department by which this poor fellow can get his evidence at the expense of the government.

In reply to your letter you are informed that the Commission has no fund which can be used for the purpose of aiding applicants for identification as Mississippi Choctaws to procure evidence in support of their claims, nor does it know of any fund available for this purpose.

You are further advised that on August 8, 1903, the Commission rendered its decision refusing the application of William Boyd for identification as a Mississippi Choctaw, and he was notified that he would be granted fifteen days from that date, within which to submit argument to be transmitted to the Secretary of the Interior for consideration in connection with his application. On August 24, 1903 the record in this case, together with such argument as may have been

W H S S

submitted, will be forwarded to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William Boyd, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of August 8, 1903.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
2 Enc. M C R 6631.

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, October 30, 1903.

Land.
55,273-1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of William Boyd, for identification as a Mississippi Chootaw, wherein a decision rejecting him was entered by the Commission on August 8, 1903.

The record in this case shows that the applicant found his claim to a right to be identified as a Mississippi Chootaw on his descent from Sarah Martin and Henry Boyd who are alleged to have been Chootaw Indians by blood, residents in the Chootaw Nation, in Mississippi, in 1830.

The commission rejected the applicant for the reason that its records failed to show that the ancestors named had either complied or attempted to comply with the provisions of the 14th article of the Chootaw treaty of 1830.

The testimony in this case shows that the applicant has no knowledge as to the compliance by Sarah Martin or Henry Boyd with

the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office shows that these ancestors did not comply or attempt to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I therefore recommend that the decision of the commission rejecting tha applicant be approved.

Very respectfully,

W.A. Jones,

(E.B.H.)P.

Commissioner.

(COPY).

DEPARTMENT OF THE INTERIOR,
WASHINGTON, November 19, 1903.

W.C.F.
F.H.E.

D.C. 32646.
ITD. 7788-1903.
L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the record in the case involving the application of William Boyd, for identification as a Mississippi Choctaw, including your decision of August 8, 1903, refusing to identify him as such.

The applicant claims a right to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being a descendant of Sarah Martin, through her daughter, Mary Boyd, nee Martin, mother of the applicant, also of Hanry Boyd, the applicant's father. It is alleged that said ancestors were possessed of Choctaw Indian blood and were residents of the Choctaw Nation in Mississippi in 1830.

The evidence furnished by the record, as well as records of the Indian Office, fail to show that any of said ancestors complied of attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of

Congress relating thereto.

Reporting in the matter October 30, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

N.C.B.6631.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of November,1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of William Boyd, of which decision you were advised by mail on the 8th day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 6631

COPY.

Muskogee, Indian Territory, December 3, 1903.

W. H. Springfield,

Attorney-at-Law,

Tecumseh, Oklahoma.

Dear Sir:

You are hereby notified that on the 19th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of William Boyd.

Respectfully,

Tams Bixby.
Chairman.

M.C.P. 6631.

Muskogee, Indian Territory, December 3, 1903.

William Boyd,

Tecumseh, Oklahoma.

Dear Sir:

You are hereby notified that on the 18th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw of which decision you were advised by registered mail on the 8th day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

6631

No. 6631

For Identification as a Mississippi Choctaw.

Date JAN 29 1903

Name William Boyd

Age 22 Blood 1/2 —

Post Office, Bonnielle, Miss.

Father: Henry Boyd d

Mother: Mary " d

Claims through mother and father — 1/2 —

Claims for self alone

Stenographer Clara Mitchell Woods

R.

William Boyd

K

DECISION PREPARED

Choctaw MCR 6632

Mary Trimble

MCR 6632

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 29, 1903.

In the matter of the application of Mary Trimble for identification as a Mississippi Choctaw.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Mary Trimble being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Mary Trimble.
Q What is your age? A Fifty nine.
Q What is your post office addres? A Los Angelos California.
Q Howlong have you lived in California? A Seven years.
Q Where did you live before that? A In Montgomery Alabama.
Q How long in Alabama? A Nine years.
Q Before that where did you live? A Kentucky.
Q Were you born in Kentucky? A Yes, sir.
Q And lived in Kentucky at what place? A Mount Sterling.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Firman Cheatham.
Q What was your mothe 's name? A Louisa Cheatham; Louisa Bradshaw she was.
Q And you claim through your father -- or mother? A Father.
Q How much do you claim? A One half.
Q Was your father a full blood Choctaw? A No, one quarter.
Q You claim one quarter? A Yes, sir.
Q You claim your father was one half Choctaw?
A No, one fourth.
Q And you claim what? A One eighth.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A No, sir.
Q How much Choctaw blood do you claim; you gave one eighth; if you get your Choctaw blood from your father, he was one fourth, you would be one half of one fourth or one eighth; is that right? A I guess one fourth is right.
Q You change your testimony and claim one fourth do you?
A Yes, I guess I do.
Q You claim your father was one half Choctaw? A Yes.
Q When were your father and mother married if you know?
A 1841.
Q Where were they married? A Mount Sterling, Kentucky.
Q Do you know the day of the month? A The 21st day of January.
Q By a minister under a license? A I don't remember.
Q Have you the proof of that marriage here? A Yes but not the Minister.

By Mr Harrison:

No, sir, we haven't the proof.

By the Commission:

Q Is your husband living? A No, sir.

Q

Q What was his name? A My first husband - you mean, I've been married twice; my first husband was a Tipton. James Edward Tipton.
Q Your son John C. Tipton was before the Commission today was he not? A Yes.
Q And James Edward Tipton your first husband was his father?
A Yes, sir.
Q What was his nationality? A He was a white man.
Q And your second husband was who? A Trimble.
Q He's dead is he? A Yes, sir.
Q What was his name ? A M.D.Trimble; Moses D.
Q You have no children you want to make application for? A No sir.
Q You claim for yourself alone do you? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, sir.
Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authoitiesthe Commission to the Five Civilized Tribes or the UnitedStates Court in the Indian Territory?A No sir.
Q You want to be identified as a Missisippi Choctaw?
A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes, sir.
Q I think you understand that article don't you; you have heard it a number of times? A O, I think I should.
Q You have heard it read and explained and talked about I presume, a good many times? A Yes, sir.

The article is as follows.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to doso by sighifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten yearsof age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it ; persons who claim under this article shall not lose the privilege of a Choctaw citizen but of they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with article fourteen of that treaty of 1830? A I don't know that they did.

Q What is the name of your ancestor through whom you make your claim now to be identified as a Mississippi Choctaw? A John Harper.
Q What relation was he to you? A Great grandfather.
Q How much Choctaw blood did he have? A Full blood.
Q Did he have any other name besides John Harper? A They say he had; I received a letter last evening stating that he had the name; they didn't seem to doubt it; they gave it.
Q What was the name; do you know? A I cant call it now -- Hopiah
Q Hopiah is the Indian name, is it, of your ancestor? A Yes, that's what I heard.
Q And the ancestor was John Harper? A Yes, sir.
Q How do you know they are the same man? A I only know from this letter that I received they are said to be that.
Q You received that letter today? A Last evening.
Q Did you get your information from some relative of the family?
A Yes, sir the oldest relative I have.
Q Who was that? A RichardCheatham; he's the oldest one that seems to know anything about it.
Q What relation is he to you? A A cousin.
Q And he lives where? A He lives in California.
Q Has he ever been before the Commission? A No.
Q Do you know the name of your ancestor who was either the son or the daughter of John Harper? A The daughter, yes.
Q What was her name? A Mary and they called her Polly.
Q That was John Harper's daughter? A Yes.
Q Whom did she marry? A John Cheatham.
Q And was John Cheatham and Mary or Polly his wife your grand father and grandmother? A Yes.
Q Give me the name of your other ancestor; your father isn't it? A Yes my father.
Q What is his name? A Firman Cheatham.
Q So you trace your ancestry through Firman Cheatham your father to his mother Polly or Mary Cheatham whose maiden name was Harper? A Yes, sir.
Q And through her to her father John Harper? A Yes sir.
Q Did any of those ancestorslive in Mississippi in 1830 or Alabama ? A The father and mother did; my grandfather and grandmother both.
Q Mary Harper and her husband John Cheatham? A No, my great grandfather John Harper and his wife.
Q What was his wife's name? A Mary Ann.
Q Mary Ann Harper; what was her maiden name? A I don't know.
Q Did Mary Ann Harper have Indian blood? A Yes, sir.
Q Do you claim Choctaw blood from Mary Ann Harper and her husband John Harper also? A Yes, sir.
Q How much Choctaw blood did Mary Ann Harper the wife of John Harper have? A Full blood I suppose.
Q How much Choctaw blood did Mary or Polly Harper who married John Cheatham have? A I suppose she was a full blood.
Q Did John Cheatham her husband have any Choctaw blood? A No sir.
Q How much Choctaw blood did your father have - Firman? A I guess it was half.
Q Now do you know if John Harper lived in Mississippi in 1830 and had a family there then - he and his wife? A I don't know.
Q Did they ever live in Alabama? A No, sir I think not.
Q Did they live in Mississippi at one time? A They did live in Mississippi at one time.
Q You don't know anything about an ancestor who lived there in 1830 and had a family there then? A I don,t know how much of a family they had; they were married and living there.
Q That was John Harper and his wife? A Yes, sir.

Q Do you know anything about John Harper's father and mother or Mary Ann, his wife's father and mother? A No, sir.
Q You don't go back any further than John Harper and his wife?
A No, sir.
Q Do you know where John Harper was born? A Mississippi.
Q Where in Mississippi? A I don't know.
Q Do you know when he was born? A No, sir.
Q Was Mary Ann, his wife born there? A Yes.
Q Do you remember when? A I do not.
Q You don't know the place where she was born in Mississippi?
A No.
Q Did they both die in Mississippi? A No, sir.
Q Where did John Harper die? A Died in Kentucky.
Q Went from Mississippi to Kentucky? A Yes, sir.
Did his wife go with him? A Yes, sir, I suppose so.
Q And both died in Kentucky? A Yes, sir.
Q You don't know when they went from Mississippi to Kentucky.
A I suppose about thirty or thirty one.
Q When that treaty was ratified which was on the 24th day of February 1831 where was John Harper living with his wife?
A In Mississippi.
Q At that time they were living in Mississippi? A Yes, they were living there; they didn't go to Kentucky before that; they got back to Mississippi and tried to register in 1831; he went back immediately after he came to Kentucky.
Q How long did he live in Kentucky? A I don't know; I'm told that he went to Kentucky and immediately went back in about 1830.
Q Did he go back to Kentucky again? A Yes, sir. He left Mississippi and went to Kentucky about the first of 1830; he then went right back about the last years of 1830 or 1831 - in there, somewhere in there.
Q And then went where? A And then he came back to Kentuky and he died there.
Q When he went to Mississippi from Kentucky do you know whether it was at a time between the date of the ratification of the treaty of 1830 and six months after that. A When he left Mississippi for Kentucky it was at the time of the ratification he then went immediately.
Q And what did he do when he went to Mississippi from Kentucky; do you know whether he applied or not to be registered under article fourteen? A I'm told that he did.
Q He went to Colonel Ward and attempted to register under article fourteen? A Yes, sir.
Q How do you know he did? A I'm told by old turthful people.
Q You think you can introduce their testimony if given time?
A We can; yes, sir.

Thirty days time will be alowed you to introduce that proof with other evidence if you desire to do so in support of this claim.

A We can prove that by more than one.
Q Do you know whether any of your ancestors went before Colonel Ward - whether any ancestor did in fact register under article fourteen of that treaty? A No, I don't.
Q Do you know what Colonel Ward said or did with reference to your ancestors' application under article fourteen.
A I only know from a man that was with him; he said he applied to Colonel Ward.
Q What was that man's name? A Manly.

Q What is the full name? A Peter.
Q That evidence you are going to try to get before the Commission
A yes sir.
Q Did any of your Choctaw ancestors John Harper or his wife or any otherlive on land in Mississippi or Alabama in the old Choctaw Nation for a period of five years and at the end of that time receive a patent or deed of that land from the government under article fourteen of the treaty of 1830?
A I dont know that they did; they lived there but whether they received any right; I don't know.
Q Do you know whether they claimed any landunder article fourteen of that treaty? A Yes, they claimed it; they had their home.
Q In Mississippi? A Yes, indeed, that can be proven.
Q Did they live in that home previous to 1830 or afterwards?
A Before and afterwards, my grandfather did.
Q Was it about 1830 they went to Kentucky? A They came back for a short period and then went back.
Q They didn't live on that land very long after 1831 did they in Mississippi? A He was there quite a while afterwards; he was there five or six years.
Q Then he didn't immediately go back to Kentucky from Mississippi that looks as though he did get land in Mississippi after the treaty was ratified and live on it. A Well we hope so.
Q And from what you testify it looks that way. A Yes, sir.
Q Do you know whether a patent was issued to John Harper or his wife for land in Mississippi? A I don't know.
Q Did she live with herhusband? A Yes; sir;she lived in Kentucky while he was in Mississippi.
Q Then she wasn't living in Mississippi on that land was she?
A I don't know that she was.
Q Was that land received by John Harper from the government as a Choctaw Indian under article fourteen or did he buy it?
A I suppose he owned his own home; that's all I know.
Q Did he buy it? A I don't know whether he bought it or got it for his wife or how; I don't know that.
Q Did any of your Choctaw ancestors - John Harperor his wife or any other go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A I dont know that they did.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian territory between 1833 and 1838 with the other Indians at the expense of the government? A No sir.

Now in 1837 and also in 1842 commissions were appointed by various acts ofCongress; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and were appointed because Indians -- many of them - claimed that they had gone to Colonel Ward as you say your ancestor did and had registered or attempted to register under article fourteen of the treaty of 1830 but that Colonel Ward refused to allow their names to go upon his registry list and because he refused to register those applicants, they found later that the land which theyoccupiedin the old Choctaw Nation, they couldn't hold, the government took it from them and sold it at its public land sales; they knew that they had registered or hadattempted to register; therefore they knew they were entitled to hold this land under article fourteen and they couldn't understand why the government took it from them until they found out that the agent had negligently or maliciously refused to put their names on his registry

list; then they made these complaints to the government and the government appointed these two commissions, one in 1837 and another in 1842.

Q Did you ever hear that John Harper or his wife or any Choctaw ancestor of yours went to Colonel Ward in 1831 and having tried to register was refused by Ward and afterwards went before the Commission of 1837 or the Commission of 1842 in order to have their claims allowed under these commissions or eitherof them - 1837 or 1842? A I dont know about that.
Q This land that John Harper occupied in Mississippi - you dont know whether he got it from the government under article fourteen or whether or not he afterwards went before either of thesecommissions and had it granted?
A I do not.
Q Or whether it was granted at all by any act of the government? A No.
Q Do you know whether he or his wife Mary Ann or any Choctaw ancestor received any scrip or certificates from the government which entitled either of them to select land in Mississippi Alabama Louisiana or Arkansas? A No, sir.

This scrip was issued under act of Congress approved August 23 1842 and was given to ChoctawIndians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old ChoctawNation had been taken from them by the government and sold at its public land sales.

Q Do you speak or understand the Choctaw language? A No sir.
Q Do you know who Jasper Chambers is? A No.
Q Did you ever hear of him? A Yes.
Q Is he a relative of yours? A Yes, sir.
Q What relation is he to you? A I don't know what he might be.
Q But you know he is a relation of yours? A Well yes, he's a third cousin or fourth cousin?
Q Jasper Chambers has made application to be identified as a Mississippi Choctaw claiming through John Harper the same ancestor through whom you claim? A Yes, sir.
Q And you want to have your case consolidated under the head of his application? A No, sir I think not.

Reference is here made to the application of Jasper Chambers 5670 as being the application of a relative of this applicant claiming through the same common ancestor.

The case of John C. Tipton, son of this applicant, 6630 is here referred to for the purpose of consolidation.

Examination by Mr. Harrison, Attorney for applicant.

Q Wasn't the wife of John Harper also calledPolly? A Yes sir.
Q Do you want to be understood as saying that John Harper went to Kentucky early in 1831 after he had applied to the agent for land or do you want to be understood as saying that he did not go to Kentucky for several years after that? A I don't think he did, judge; I don't think he came back immediately.
Q You don't think he came back immediatly? A No, sir, I do not; however - some say he did.
Q You don't know? A I only know from what I've heard.
Q Have you not also heard that Peter Manly and other older witnesses who knew John Harper, have stated that John Harper did return to Kentucky from Mississippi in 1831? A Yes.
Q So you have heard it stated both ways ? A Yes I've heard it stated both ways; I dont know.

Q You don't pretend to know which is right? A No sir.
Q What have you heard with reference to the visit of John Harper to the Indian agent about this land? A Well, I've heard that he went for that purpose but--------
Q Whom did he go with? A Peter Manly's father.
Q Have you ever heard that any reason was given why John Harper did not get land at that time? A Yes, I heard that the agent refused to enroll him - told him to leave there; that he was drunk a while.
Q Who - Harper? A No, the agent was drunk all the time and the man who was with him also stated the same thing; he refused to enroll them.
Q Where have you heard the agent told Harper to go if he told him anything.
A To the Indian Territory across the Mississippi river somewhere- that he had no use for him.
Q The name of Hopiah to which you referred---
A I got that from an old relative.
Q Did you get it from any other source? A Yes I got it from the books here.
Q Explain what books and what place you mean? A In Shelby's office here; Shelby showed me the name.
Q The books in the Commission? A Yes, sir.
Q Is Mr. Shelby employed in the Commission? A Yes sir.
Q When did you first see that name in the records of the Commission. A This morning.
Q Who showed it to you? A Mr Shelby.
Q Mr Shelby hadcharge ofthebooks? A Yes sir.
Q What was the object of John Harper's visit to Mississippi to which you refer? A To be enrolled.
Q As what? A As a Choctaw citizen.
Q State, if you have ever heard about when John Harper and wife left the state of Mississippi to go to the state of Kentucky?
A The beginning of the ratification I suppose - in 1831.
Q I see you don't understand the question ; was it in 1831 that John Harper went back to Kentucky from Mississippi after he had tried to register there? A Well I don't know judge; I don't know that he did.
Q How long had he been living in Kentucky when he went back to Mississippi to register? A Only a few months - a very short while I suppose immediately - about the same year. The same year he came to Kentuky.
Q Have you ever heard any of your family orfirneds of the family name or designate any place in the state of Mississippi as the home ofJohn Harper. A Yes, indeed.
Q Now will you if you can remember, state where that place was? A N I cannot , no, sir, but I've heard my father speak ofmy grandfather living in Mississippi and owning land;-his home; I've heard my father speak of that; I know that they lived in Mississippi and I've heard my father call over many Indian names - many Indian words; of course I don't remember them now but he always talked with us a great deal about grandfather Harper and what he did and How he did but he never lived in Kentucky but very little - a very short while.
Q How long did he live after his return to Kentucky from Mississippi? A Only a short while I understand.
Q What was the causeof his death if you know? A Supposed to have been disappointment.
Q By reason of what? A Disappointment; not being enrolled and being mistreated by the agent.

Q Have you ever heard of your ancestor Harper bringing back to the state of Kentucky a Choctaw boy? A Yes, sir.
Q What if you know what the name of that boy? A Bright.
Q What became of him? A He went to Mississippi after my great grandfather's dead.
Q Do you know anything of his people? A No,
Q Where did the wife of John Harper die? A Kentucky.
Q Did your grandmother Polly have any sisters? A Yes, sir one.
Q What was her name? A Lydia.
Q Whom did she marry? A Hanks.
Q Do you remember his name? A Fielding Hanks.
Q Now, Madam, if there's anything else you wish to state in this behalf and which you have omitted to state you can now do so.
A I don't know of anything; I've been asked so many questions I dont know whether I know anything now or not.
Q The information you have derived relative to John Harper and his descendants has been obtained through conversations with members of your family, friends of the family and from family history and tradition is it not? A Yes.
Q Have you any records of any kind supporting the claim you make in this case? A No.
Q What do you understand to be the Indian name of your ancestor John Harper if he had one? A I understand it was Hopiah but I really don't know.

---O---

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; has black hair now somewhat gray; black eyes; dark complection; has no knowledge of the Choctaw language and her knowledge of compliance on the part of her ancestor with the provisions of article fourteen of the treaty of 1830 is basedon hearsay and family history and tradition.

---O---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for theCommission to the Five Civilised Tribes she reported in full all proceedings had in the above entitled cause on the 29 th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 4th day of February 1903.

Charles N. Sawyer

Notary Public.

(The End)

DEPARTMENT OF THE INTERIOR.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.
M. C. R. #6606, and the cases consolidated therewith.

C. C. Hanks, et al,	)	In re:
	)	
vs.	)	Application for Identification as Mississippi
	)	
Choctaw Nation.	)	Choctaws.

United States of America,	)	Application and Affidavit for Commission
Western District,	)	
Indian Territory.	)	to take Depositions.

On this 23 day of September, A. D. 1903, before me Harry G. Davis, a Notary Public, within and for said Western District appeared Mary Trimble, who being by me duly sworn on oath states: That on the 29th. day of January, 1903, she made personal application to the Commission to the Five Civilized Tribes for identification of herself as a Mississippi Choctaw.

That affiant is desirous of securing the testimony of John Lewis and North Hill in support of her said application, and the cases consolidated therewith, for identification as Mississippi Choctaws; that said John Lewis is about 80 years of age and resides in Caney, Ind. Ter; that the said North Hill is 88 years of age and resides at Fort Towson, Ind. Ter; that by reason of their extreme age and the infirmities arising therefrom they are physically unable to appear before the Commission to the Five Civilized Tribes to testify as witnesses in support of this application; that the testimony of said witnesses is material to affiant's claim.

That said witnesses, if present, would testify that they were personally acquainted with John Harper and knew him to be a full blood Choctaw Indian; that he lived in the old Choctaw Nation in Mississippi in 1830; that he was a married man, the head of a family in 1830; that he attempted to comply with the 14th.

article of the treaty of 1830.

Therefore the premises considered your petitioner prays that the Honorable Commission to the Five Civilized shall cause to be issued commissions to take the depositions of the above named witnesses to be read as evidence in support of the application of this affiant and the applicants whose cases are consolidated therewith, for identification as Mississippi Choctaws.

Wash. Trimble

Subscribed and sworn to before me this 22nd. day of Sept. 1902.

My Comm. Ex. July 1- 1906.

Harry G. Davis

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #9998, and the cases consolidated therewith.

C. C. Hanks, et al, Claimants.	)	In re:
vs.	)	Application for Identification as Mississippi Choctaws.
Choctaw Nation.	)	

NOTICE TO TAKE DEPOSITIONS.

To Mansfield, McMurray & Cornish,

Attorneys of Record for the Choctaw & Chickasaw Nations:

You are hereby notified that the deposition of John Lewis, witness herein, to be read in evidence in the above entitled cause on the part of the claimants, will be taken at the home of the said John Lewis, near the town of Caney, Ind. Ter. Choctaw Nation, Indian Territory, between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon; that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same time and in the same place, until completed.

In compliance with the rules and regulations of the Commission to the Five Civilized Tribes, governing the procedure in the taking and submission of depositions in support of the applications for identification as Mississippi Choctaws, we hereto attach a copy of the interrogatories filed herein.

Thomas B. Harrison
Attorneys for Applicants.

I, Edgar Tolbert, hereby certify that I served a copy of the above notice to take depositions, also copy of interrogatories on Jos. A. Mansfield a member of the firm of Mansfield, McMurray and Cornish, Attorneys of Record for the Choctaw and Chickasaw Nations, on this the 24th day of September, 1903.

Edgar Tolbert

Subscribed and sworn to before me this 24th day of September, 1903.

E. B. Turner
Notary Public

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #6508, and the cases consolidated therewith.

C. C. Hanks, et al, Claimants.	)	In Re:
vs.	)	Application for Identification as
Choctaw Nation.	)	Mississippi Choctaws.

Indian Territory.) Application and Affidavit of Mary Trimble for Commission
)
Western District.) to take depositions.

On this 4th. day of May, 1903, before me, Harry C. Davis, a Notary Public in and for said Western District of the Indian Territory appeared Mary Trimble, who being by me first duly sworn on oath states:

That on or about the 29th. day of January. 1903, affiant made personal application to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws; that affiant is desirous of securing the testimony of Katie Fletcher, Peter Manly and Charles Craig in support of her said application and the cases consolidated therewith; that the said Katie Fletcher is 86 years of age and resides in Montgomery County, state of Kentucky; that the said Peter Manly is 89 years of age and resides in Montgomery county, state of Kentucky, as she is informed; that the said Charles Craig is 86 years of age and resides in the town of Izora, state of Texas; that by reason of th extreme age of the said witnesses they are physicaly unable to appear in person before the Commission to the Five Civilized Tribes to testify as witness in support of this application; that the testimony of the said witnesses is material to affiant's claim, and the cases consolidated therewith; that the said witnesses if present would testify that they were acquainted with John Harper and his wife Mary Ann, and knew them to be full blood Choctaw Indians; that they lived together as husband and wife and were known and

recognized as such in the community in which they lived; that they had two children, daughters, Polly and Lydia; that Polly married a man by the name of John Cheatham and Lydia married a man by the name of Fielding Hanks; that John Harper was born in Mississippi, and was the head of a family in 1830 and attempted to comply with the provisions of the 14th. article of the treaty of 1830.

Wherefore, the premises considered your petitioner asks that the Honorable Commission to the Five Civilized Tribes shall cause to be issued Commissions to take the depositions of the above named witnesses to be read as evidence in support of the application of this affiant and the applicants whose case s are consolidated therewith for identification as Mississippi Choctaws.

Mary Trimble

Subscribed and sworn to before me this the 4th. day of May, 1903.

Harry L. Davis.
Notary Public.

My commission expires July 1st. 1906

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #6508, and the cases consolidated therewith.

C. C. Hanks, et al, Claimants. vs. Choctaw Nation.) In Re: Application for Identificationas Mississippi Choctaws.

NOTICE TO TAKE DEPOSITIONS.

To Messers McMurray, Mansfield & Cornish,

Attorneys of Record for the Choctaw & Chickasaw Nations:

Your are hereby notified that the depositions of Peter Manly to be read as evidence in the above entitled cause on the partt of the claimants, will be taken at the office of H. Clay McKee, Esquire, at Mount Sterling, County of Montgomery, state of Kentucky, on the 24 day of May, 1903, before H. Clay McKee, a Notary Public within and for said county and state, whpse post office address is Mount Sterling, Kentucky, between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon, and that the taking of said depositions if not completed on that day will be continued from day to day, at the same place and at the same hours, until completed.

In compliance with the rules and regulations of the Commission to the Five Civilized Tribes governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, we hereto attach a copy of the interrogatories filed herein.

Hanks & Norman
Attorneys for Claimants

Service of Notice is hereby accepted on this _____day of May, 1903.

Attorneys for Choctaw & Chickasaw Nations.

United States of America,)
) SS.
Indian Territory.)

I, Edgar Golden, 20 years of age, do hereby certify that I served the within notice to take depositions in the City of South McAlester, Indian Territory, on the 24 day of May, A. D. 1902, by delivering a true copy thereof, together with a copy of the interrogatories thereto attached to Wilson Cornish, a member of the firm of Mansfield, McMurray & Cornish, attorneys of record for the Choctaw and Chickasaw Nations.

Edgar Golden

Subscribed and sworn to before me this 24 day of May, A. D. 1902.

In Testimony Whereof I have hereunto set my hand and official seal.

E. J. Farmer
Clerk United States Court for the
Central District of the Indian
Territory.

By J. M. Dodge D.C.

6632

United States of America,)
) ss.
Indian Territory.)

I, Edgar Golden, 30 years of age, do hereby certify that I served the within notice to take depositions in the city of South McAlester, Indian Territory, on the 21st day of May, A. D. 1903, by delivering a true copy thereof, together with a copy of the interrogatories thereto attached, to Melvern Cornish a member of the firm of Mansfield -McMurray & Cornish, Attorneys of record for the Choctaw and Chickasaw Nations.

Edgar Golden

Subscribed and sworn to before me this 21st day of May, A. D. 1903.

In Testimony Whereof, I have hereunto set my hand and official seal

E. J. Saunders

By J. McDougal

Clerk United States Court for the Central District of the Indian Territory.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. #6808, and the cases consolidated therewith.

C. C. Hanks, et al, Claimants.	)	In Re: Application for Identificationas Mississippi Choctaws.
vs.	)	
Choctaw Nation.	)	

NOTICE TO TAKE DEPOSITIONS.

To Messers McMurray, Mansfield & Cornish,

Attorneys of Record for the Choctaw & Chickasaw Nations:

Your are hereby notified that the depositions of Katie Fletcher to be read as evidence in the above entitled cause on the part of the claimants, will be taken at the office of H. Clay McKee, Esquire, at Mount Sterling, County of Montgomery, state of Kentucky, on the 24 day of May, 1903, before H. Clay McKee, a Notary Public within and for said county and state, whose post office address is Mount Sterling, Kentucky, between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon, and that the taking of said depositions if not completed on that day w ill be continued from day to day, at the same place and at the same hours, until completed.

In compliance with the rules and regulations of the Commission to the Five Civilized Tribes governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, we hereto attach a copy of the interrogatories filed herein.

Thomas B. Harrison
Attorneys for Claimants

Service of Notice is hereby accepted on this _____day of May, 1903.

Attorneys for Choctaw &
Chickasaw Nations.

M.C.R. 6632.

Muskogee, Indian Territory, July 16, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of Charles Craig, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of Mary Trimble, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J. D. #22.

Commissioner in Charge.

M.C.R. 6632.

Muskogee, Indian Territory, July 16, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of Peter Manly, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw, of Mary Trimble, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J. D. #21.

Commissioner in Charge.

M.C.R. 6632.

Muskogee, Indian Territory, July 16, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of Katie Fletcher, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Mary Trimble, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J. D. #20.

Commissioner in Charge.

M C R 6632

Muskogee, Indian Territory, September 29, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your communication of September 25, 1903, enclosing the affidavits of Mary Trimble, wherein she sets forth her reasons for desiring to have certain depositions taken in support of her application for identification as a Mississippi Choctaw; also interrogatories to be propounded to said witnesses with proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of Mary Trimble, M.C.R. 6632, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations a commission will be issued for the taking of these depositions and the same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

M C R 6632

Muskogee, Indian Territory, October 14, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of John Lewis, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of Mary Trimble, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

J D 11-14

Commissioner in Charge.

M C R 6632

Muskogee, Indian Territory, October 14, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find commission to take the deposition of North Hill, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of Mary Trimble, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness,; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

J D 10-14

Commissioner in Charge

M C R 6632

Muskogee, Indian Territory, November 5, 1903.

Mary Trimble,

Los Angeles, California.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6632

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Mary Trimble that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6632

Muskogee, Indian Territory, March 10, 1904.

Thomas & Foreman,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th instant, stating that you have just been informed by one of your clients, Mrs. Mary Trimble, a Mississippi Choctaw applicant, that one of the applicants in the "celebrated Harper case" has received a letter from the Commission stating that Choctaw citizenship had been denied the heirs of John and Charles Harper because they employed attorneys to prosecute their cases. You ask if there is any truth in the report.

Replying to your letter you are advised that the Commission has from time to time received inquiries from applicants as to whether or not they should employ an attorney to represent them in their application before the Commission, and they were always informed that this was a matter that was entirely within the discretion of the applicant. They were in no manner advised as to the employment of counsel.

If any applicant for identification as a Mississippi Choctaw claiming descent from John or Charles Harper has received

such a letter as the one referred to in your communication of March 7th, it certainly did not emanate from this office.

Respectfully,

Commissioner in Charge.

M C R 6632

Muskogee, Indian Territory, March 14, 1904.

Mary Trimble,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

N.J

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
M. C. R. 6632.

Muskogee, Indian Territory, June 26, 1905.

Mary Trimble,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6632 No. 6632

For Identification as a Mississippi Choctaw.

Date JAN 29 1903

Name Mary Trimble

Age 59 Blood ~~1/2~~ ~~1/4~~ 1/4

Post Office. Los angeles. Cal.

Father: Firman Cheatham d

Mother: Louisa " d.

Claims through father ~~1/2~~. 1/2

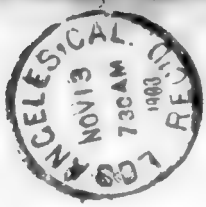
Husband (1)
James E. Tipton (d). w

Husband (2)
M. D. Trimble d.

Children:

Claims for self alone

Stenographer Clara Mitchell Ward



6632

File.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 21 1903

CHAIRMAN



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



Mary Tr[illegible]

Los Angeles, California.

M. C. R.

12/5

General Office

Acknowledging that claim does appear date will be allowed in which to submit further evidence in support of application for identification as a Mississippi Choctaw.

MUSKOGEE, IND. TER. NOV 9 1903 U.S.

JUL 27 1905

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.







6492

RETURNED
To
Mary Trimble
Muskogee, Indian Territory.

Name Not in City Directory

Mary Trimble

DECISION RENDERED. MAR 4 1904

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT MAR 14 1904

ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTING COMMISSIONER
SECRETARY OF INTERIOR

JUN

NOTICE OF APPEAL

REFER TO M. C. R.

Choctaw MCR 6633

Andrew J. Wood

MCR 6633

6633

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 30, 1903.

In the matter of the application of Andrew Jackson Wood for the identification of himself and his minor child Emmie Belle Wood as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Andrew Jackson Wood being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Andrew Jackson Wood.
Q What is your age? A I was born in '43.
Q What age now? A Sixty.
Q What is your post office address? A Jackson, Missouri.
Q How long have you lived in Jackson Missouri? A It's been thirty years.
Q Where were you born? A I was born in Missouri.
Q You have always lived in that state? A Yes, sir.
Q In what place were you born in Missouri. A I think it was what Douglas County is now; it wasn't Douglas County then.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Henry Wood.
Q What was your mother's name? A Sarah Alabeth. My father always called her Sallie.
Q Do you claim your Choctaw blood through your father or mother?
A Mother.
Q How much Choctaw blood do you claim? A About one eighth.
Q You claim your mother was one fourth? A Yes, sir
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory?
A Well, that's what they say; I don't know.
Q In the Choctaw Nation, Indian Territory? A No. No, sir.
Q She never did live in the Indian Territory did she?
A No, sir, in Mississippi.
Q Are you married now? A Yes, sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Louisa.
Q What is her nationality? A She's white.
Q Do you claim anything for your wife as a Choctaw Indian?
A No, sir.
Q You say you have one child under age? A Yes, sir.
Q What is that child's name. A Emmie Belle.
Q How old is she? A Sixteen.
Q You claim for yourself and this one child do you? A That's all.
Q Is your wife Louisa Wood the mother of this girl? A Yes, sir.
Q Are you and your wife living together now as husband and wife and is this daughter living with you at your home?
A Yes, sir.

Q When were you married to your wife? A I think I've got the proof here.

A certificate of the marriage of A.J.Wood and Louisa Black is presented by this applicant, received, marked Exibit A and made part of the record in this case.

The A.J.Wood in this certificate is your name is it?
A That's the way I sign my name.
Q Is your name or is the name of this daughter on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A Well I cant tell you that.
Q You never heard that it was did you? A I cant tell you; I never heard that.
Q You never made any effort yourself for enrollment did you?
A No sir.
Q Have you ever made application for yourself and your daughter for citizenship in the Choctaw Nation to either the Choctaw tribal authorities the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896.
A No sir.
Q Have you or your daughter ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A Not that I know anything of.
Q Do you now come before the Commission to be identified and to identify your daughter as Mississippi Choctaws?
A I don't understand that.
Q Do you claim to be a Mississippi Choctaw by descent?
A Yes, sir.
Q And you want to be identified now as such? A Yes, sir.
Q That's what we call making application for identification. Do you claim under article fourteen of the treaty of 1830 or don,t you understand that article of that treaty?
A Well I never was taught anything about it until right here lately but that's my understanding.
Q Do you understand article fourteen or would you like to have it explained to you?

By Mr Harrison: I think he understands it for I've explained it fully t o him this morning.
Q You understand it do you? A I don't know whether I do or not; I'm a little hard of hearing.
By the commission:
A treaty is what might be called an agreement or compact in writing made between nations instead of between individuals; an agreement or contract made in writing between individuals is called an agreement in writing and a treaty is the same thing only it's made between nations instead of between individuals; for that reason it's called a treaty, and an article in a treaty is one of its paragraphs or sub divisions treating with some particular topic of the general subject treated of in the treaty itself . In 1830 on the 27th day of September of that year such a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; the principal object of the treaty was to remove under certain conditions all of the Choctaw Indians who lived in the old Choctaw Nation which was located east of the Mississippi river, partly in Mississippi and partly in Alabama, from that old Choctaw Nation to the ChoctawNation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians

would refuse to go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who preferred to stay back in that old Choctaw nation this paragraph called article fourteen was put into the treaty of 1830; article fourteen is the article under which you are making this calim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in feesimple shall issue; said reservation shall include the present improvementof the head of the family or a portion of it ; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied with article fourteen of the treaty as explained and quoted to you? A My grandmother.
Q Do you know whether she did or not? A She applied but was refused is my understanding.
Q Who was that? A My grandmother.
Q What was her name? A Alabeth.
Q Alabeth what? A Alabeth Ball.
Q Was that your grandmother? A My grandmother.
Q How much Choctaw blood did she have? A Of course it would have been about half.
Q Was that her maiden name? A I don't remember sir anything about that.
Q You don't know whom she married? A O, yes.
Q Who did she marry? A She married Freeman.
Q What was his first name? A Aaron.
Q Was Aaron Freeman a white man? A I think he was.
Q Do you know whether Alabeth Ball claimed through her father or her mother or dont you kn w. A I dont know.
Q Are you able to go back and further than Alabeth Ball your grandmother? A No not any further than that.
Q Was this your mother 's mother? A Yes sir.
Q Alabeth Ballsdaughter was Sarah your mother? A Yes sir.
Q Do you know whether Alabeth Ball who marriedAaron Freeman lived in Missisippi or Alabama in 1830 and was the head of a family there then? A I dont know sir.
Q Did you ever hear whether shelived in the old ChoctawNation at any time? A No sir I never heard whenn she lived.
Q Did you ever hear she or any Choctaw ancestor of yours went to the United States Indian agent Colonal Ward within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi take land and become a citizen of the states? A Yes she went.
Q Where did she go; in what state? A I think she went from

North Carolina to Mississippi; that's my understanding.
Q When did she go? A I don't know when; when went though.
Q Was she in Mississippi in 1833? A I cant tell you that.
Q If she went before Colonel Ward to register she must have been there in 1833.
Q Yes she went I know and was thowed off by some means or other; too late -- is my understanding.
Q You mean she was too late to register? A Yes.
Q She didn't get there within six months after the ratification of the treaty of 1830. A I dont know; she went.
Q Do you know anything more about the circumstances of her making application to register? A No sir.
Q Do you know whether she or any ancestor of yours lived on land in the old Choctaw Nation for a perdiod of five years and at the end of that time whether she or any of them received patents from the government under article fourteen of the treaty of 1830? A I don't know sir.
Q Did any of your Choctaw ancestors Alabeth Ball or any other at any time go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation India n Territory with the other Indians between 1833 and 1838?
A I dont remember anything about it.
Q Or whether any of them went to the Choctaw Nation Indian Territory from that old Nation at any time between the ratification of the treaty of 1830 and the date of this application made by you today. A Nothing only my father said they went.
Q Your father said who went? A The Choctaws.
Q I'm talking about your ancestor? A I dont know anything about it.
Q You don't know anything about your ancestor going to the Choctaw Nation Indian Territory? A No sir.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know that.
Q Did any of your Choctaw ancestors go before a Commission appointed by act of Congress approved March 3, 1837 or a commission appointedby act of Congress approved August 23 1842 and claim benefits under article fourteen of the treaty of 1830; did you ever hear about that? A I dont know.

These commissions were appointed by various acts of Congress for the purpose of hearing the cases of Choctaw Indians who stayed back in the old Choctaw Nation and who claimed that they had attempted to register under article fourteen of the treaty of 1830 within six months from the ratification of that treaty but that Colonel Ward the agent refused to accept their names for registration and because of his refusal the government had taken the land in those cases and sold it but you don't know whether any of your ancestors went before either commission? A I cant tell you; I know my grand mother went but I cant tell you-- back there somewhere; I cant tell what time.
Q Did any ofyour Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? I cant tell you; I don't know

This scrip was issued under act of Congressapproved August 23 1842 and was given to ChoctawIndians who claimed that they had attempted to register under article fourteen; that they had proved their right and also proved that their land had been taken from them and to compensate them for the land which had been taken from them these certificates were issued

which entitled them to select land in Mississippi Alabama Louisiana or Arkansas.

Q Do you speak or understand the Choctaw language? A No sir I dont understand it.
Q Are you related to John H. Bennight ? A Yes sir.
Q What relation is he to you? A I dont know just the relation.
Q John H. Bennight has been before this Commission and made application to be identified as a Mississippi Choctaw claiming through the same ancestor through whom you claim your right to be identified.
Q Would you like to have your case consolidated with his? A Yes, sir. Consolidated with his.
Q

The case of John H. Bennight M.C.R. 6265 is here referred to for the purpose of consolidation.

Examination by Mr. Harrison.

Q Where didyour grandmother Alabeath Ball go from to Mississippi when she went there to get her land? A Went from North Carolina I think.
Q Where didyou get your information about your grandmother?
A All I ever got I got it from my grandmother; I wasn't big enough to recollect anything; I left her when I was this way.(Indicating).
Q Do you remember how your grandmother looked? A Yes, sir.
Q What were her physical characteristics; how didshe appear ?
A She appeared to be a littledark skinned woman; long black hair, the best I can recollect about it; she was tolerable tall and black eyes.
Q Tell us what you remember to have heard about her going to Mississippi to try to get land? A I just heard she went and that's all I know; I don't know what date nor nothing about it; she went but my understand was she was throwed off.
Q You mean by that she didn't get her land? A Never got it.
Q You don't know how nor why? A No sir.
Q And if you have heard you do not now remember? A No sir.

Thirty days time is allowed this applicant in which to introduce other proof if he desires in support of his application.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark eyes; medium dark complection.

Q What was the color of your hair formerly? A Black.
Q Your whiskers were brown were they not ? A Yes sir.

Had formerly black hair and dark brown whiskers; now the hair and whiskers are somewhat gray; does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being sworn states that she reported the above case on the 30th day of January 1903 and that this is a true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Subscribed and sworn to before me this 4th day of February 1903.
Clara H. Sawyer Notary Public

M.C.R. 4633

Muskogee, Indian Territory, February 11, 1903.

Philip G. Reuter,

Clerk in Charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of February 7, 1903, wherein you enclose the testimony in the following Cherokee cases:

Arizona Elizabeth Daniel, et al.,	Cherokee 3083
Jessie J. Daniel,	Cherokee 3115
Rosanna Freedman, et al.,	Cherokee 91

which documents you were, on February 3, 1903, requested to forward, to be used in Mississippi Choctaw application R. 4633.

It is also noted that you state that no formal election has been made by these parties to be enrolled as Cherokees.

Respectfully,

Acting Chairman

COPY.

M. C. R. 6633.

Muskogee, Indian Territory, June 15, 1904.

Andrew Jackson Wood,

Jackson Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor child, Emmie Belle Wood.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Chairman.

Registered.

M.C.R. 6633.

Muskogee, Indian Territory, May 8, 1905.

Andrew J. Wood,

Jackson, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6633

No. 6633

For Identification as a Mississippi Choctaw.

Date JAN 30 1903

Name Andrew J. Wood

Age 60 - Blood 1/8

Post Office, Jackson, Mo.

Father: Henry Wood d.

Mother: Sarah " d.

Claims through Mother 1/8

wife.

Louisa Wood. l. w.

No claim for wife.

Children:

No Minnie Belle Wood, 16

Claim for self and one minor

Stenographer Clara Mitchell Wood

R.

REFUSED

Andrew J. Wood et

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAY

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS

R

6 65

Choctaw MCR 6634

James W. Wood

MCR 6634

6634

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 30, 1903.

In the matter of the application of James W. Wood for the identification of himself andhis minor child Marvin V. Wood as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicant, represented by Mr. Harrison.

James W. Wood, being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James W. Wood
Q What is your age? A Twenty nine.
Q What is your post office address? A Jackson, Missouri.
Q How long have you lived there? A I've lived in Missouri all my life.
Q And in Jackson how long? A I guess I've lived there about twenty five years.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Andrew Jackson Wood.
Q He has just made application to be identified as a Mississippi Choctaw? A Yes, sir.
Q And what is your mother's name? A Louisa Wood.
Q Do you claim your Choctaw blood through your father? A Yes, sir.
Q How much Choctaw blood do you claim? A About one sixteenth.
Q You claim your father was one eighth? A Yes, sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by any authority whatever up to the present time? A No, sir not until just now.
Q He has just made his first application for any rights in the Choctaw Nation? A Yes, sir.

A certified copy of his marriage to your mother has been filed by him.

Q You wish to have it referred to do you not as to the date and place of his marriage? A Yes, sir.

The case of the father of this applicant James W.Wood, M.C.R. 6633 is here referred to for the purpose of consolidation.

Q John H. Bennight is some relative of yours? A Yes.
Q What relation? A I cant say.
Q He claims through the same common ancestor through whom you claim. A Yes, sir.
Q Would you like to have your case consolidated with his?
A Yes, sir.

The case of John N. Bennight et al M.C.R. 6265 is referred to for the purpose of consolidation.

Q Is your wife living? A Yes, sir
Q What is her nationality? A She's white.
Q What is her name? A Bertha Wood.
Q So you make any claim for her? A No, sir.
Q Just yourself and child? A Yes, sir.
Q What is that child'sname? A Marvin V. Wood.
Q How old is he? A Three years old.
Q Is Bertha Wood your wife the mother of this boy? A Yes, sir
Q Are you and your wife living together and is this child living with you? A Yes, sir.
Q Have you the proof of your marriage to your wife with you now?
A Yes, sir
Q Is this the original certificate? A Yes, sir.
Q Do you wish to file this? A Yes, sir.
Q The original certificate of the marriage of James W. Wood and Bertha Roberts is presented by this applicant, received, marked exibit A, made part of the record in this case.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian territory? A No, sir not before.
Q You never have made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Neither you nor your child have ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the UnitedStates Court in the Indian terr tory? A No sir.
Q Do you want to identify yourself and child as Mississippi Choctaws? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes, sir.
Q You heard that read and explained did you; do you think you understand it now? A Yes, sir I believe I understandit. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of theChoctaw annuity."

Q Did ny of your ancestors if Choctaw Indians comply with that article. A I cant say.

Q what is the name of your ancestor through whom you make this application now to be identified as a Mississippi Choctaw?
A My great grandfather was Aaron Freeman and great grandmother was Alabeath Ball.
Q That was her maiden name was it? A Yes, sir.
Q Which had the Choctaw blood? A Great grandmother.
Q How much did she have? A Supposed to be one half.
Q Did she live in Mississippi in 1830? A I cant say.
Q Did she ever live in Mississippi? A Yes, sir , I think she did.
Q Do you know when she lived there? A No, sir.
Q Do you know where else she lived in her life? A I think she lived in North Carolina.
Q Was she born in North Carolina? A I think not.
Q Do you know where she was born? A No, sir.
Q When and where she died? A No, sir.
Q What part of her life she lived in Mississippi if any part of it? A No, sir
Q Do you know whether she went to Colonel William Ward within six months from the ratification of the treaty of 1830 and attempted to register under article fourteen of that treaty?
A Yes, sir, I've been told so.
Q Well she must have been in Mississippi at that time for Colonel Ward's registry office or agency was in Mississippi.
Q Now do you know whether she was living in any other state and went to Mississippi or whether she was at that time residing in Mississippi? A I think she lived in North Carolina and went there.
Q And went there when; did she go there to register within six months after the ratification of the treaty of 1830 or was she too late? A She got there in time.
Q what was done with her effort to make registration?
A They failed to put her on roll for some purpose.
Q Do you know whether she did actually go before Colonel Ward or not? A Yes, sir I guess she did.
Q What makes you think she did? A Nothing only just what I've been told.
Q You get that fact from family history and tradition do you?
A No sir.
Q Who do you get it from;where did you get it? I got it from the family.
Q That would be family history and tradition. A Yes, sir; I thought you meant written history; family records.
Q I mean hearsay history; or history passed from one person to another in the family. That's all you know about it.
A Yes, sir.
Q Or about her making this attempt to register before Colonel Ward ; what have you heard she did; from members of the family; what did she do and where did she go? A I cant say.
Q Don't know whether she stayed in Mississippi and lived on land there five years and at the end of that period received a patent from the government or whether she left the state?
A I don't know.
Q Did she or any Choctaw ancestor of yours claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
Q Did she or any Choctaw ancestor of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A I cant say.

Q Did any of them, Alabeath Ball or any other ancestor, having Choctaw blood own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I can't say.

Q Did you ever hear that she or any Choctaw ancestor of yours went before the commission appointed by act of Congress approved March 3, 1837 or before a commission appointed by act of Congress approved August 23 1842 in order to prove rights benefits or any claim whatever under article fourteen of the treaty of 1830? A I can't say.

These commissions were appointed by those various acts of Congress in order to hear the cases of Choctaw Indian claimants who stated that they had attempted to register under article fourteen of the treaty of 1830 but that Colonel Ward had refused to accept their names for registration and because of his refusal the government had taken the land that those Indians occupied in the old Choctaw nation and had sold land together with the improvements thereon.

Q You say you don't know anything about your ancestors going before either of them ? A No, sir.

Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I cant say.
This scrip or what we would call them now, these certificates were issued by act of Congress approved August 23 1842 and were distributed to Choctaw Indians who proved that they attempted t o comply with article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw nation and sold by the government.

Q Do you want thirty days time in which to introduce other evidence in this case? A Yes sir.

Thirty days time is allowed this applicant for the introduceion of other testimony .

Q Do you speak or understand the Choctaw language? A No sir.

By Mr Harrison.

Q Did you ever hear of a man named Silas Ball? A No sir.

Q Who outside of your father have you ever heard say anything about your family history? A Well my cousins are all I heard talk about it.

Q Did any one of your people with whom you have talked about your father history ever undertake to tell you how Alabeath Ball attempted to get her land in Mississippi as a Choctaw ?

A Well she tried to get it under that agreement or contract. /

Q Do you remember the name of any particular person who was representing the United States government as an Indian agent in Mississippi at that time? A It was Ward I think.

Q Do you give that name from what you have heard here today or did you ever hear it before in connection with your family history? A I don,t remember that I ever heard it.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair; blue eyes; medium fair complection; has no knowledge of the Choctaw language.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 30th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 6th day of February 1903.

Charles H. Hanger

Notary Public.

M C R 6634

Muskogee, Indian Territory, February 11, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you ask that the marriage certificate filed by James W. Wood in support of the application made by him for identification as a Mississippi Choctaw be returned. The same is herewith enclosed, a certified copy having been made and placed on file with the record in this case.

Respectfully,

Acting Chairman.

McM--49

COPY.

M. C. R. 6634.

Muskogee, Indian Territory, June 15, 1904.

James W. Wood,

Jackson, Missouri,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor child, Marvin V. Wood.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secr tary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

M.C.R. 6634.

Muskogee, Indian Territory, May 8, 1905.

James W. Wood,

Jackson, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John F. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6634 No. 6634

For Identification as a Mississippi Choctaw.

Date JAN 30 1903

Name James W. Wood.

Age 29. Blood 1/16

Post Office. Jackson. Mo.

Father: Andrew J. Wood. l.

Mother: Louisa " l.

Claims through father. 1/8 -

wife.

Bertha Wood l.w

No claim for wife.

Children:

Marvin V. Wood. 3

Claim for self and child

Stenographer Clara McClure Woods

REFUSED

James W. Wood et

DECISION REVIEWED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY
SECRETARY OF INTERIOR

NOTICE OF [illegible]
ACTION MAILED [illegible]

NOTICE [illegible]
[illegible]

NOTICE OF DEPARTMENTAL ACTION
FORWARDED [illegible]

Choctaw MCR 6635

Charles H. Wood

MCR 6635

6635

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 30, 1903.

In the matter of the application of Charles H. Wood for the identification of himself and his minor child Mary Lou Wood as Mississippi Choctaws.

Thomas and Harrison, attorneys for applicant represented by Mr. Harrison.

Charles H. Wood being first duly sworn testified as follows:

Examination by the commission:

Q What is your name? A Charles H. Wood.
Q What is your age? A I'm thirty two.
Q What is your post office address? A Jackson Missouri.
Q Have you always lived in the state of Missouri.
A Most of the time; I was born in Illinois and then moved to Missouri.
Q Where in Illinois were you born? A Williamson County,
Q And lived in that state how long? A I don't know; till I was two or three years old I think.
Q And then went to Missouri? A Yes, sir.
Q And have lived there since? A Yes, sir.
Q And in Jackson how long? A Jackson has been our post office ever since we've been there.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Andrew J. Wood.
Q What is your mother's name? A Louisa Wood.
Q Do you claim your Choctaw blood through your father? A Yes, sir.
Q Your father has on this date made application to be identified as a Mississippi Choctaw has he not? A Yes, sir.

The case of Andrew J. Wood, et al., father of this applicant 6633 is here referred to for the purpose of consolidation and also the case of John H. Bennight et al 6365 .

Q John H. Bennight is a relative of yours? Yes, sir.
Q He claims through the same common ancestor does he? A Yes sir.
Q In your father's application a certified copy of the certificate of his marriage to your mother was filed with the Commission. You want to refer to that do you not as proof of that marriage? A Yes, sir.
Q What is your wife's name? A Her name's Damie Wood.
Q She's living? A Yes, sir.
Q What is her nationality? A White woman.
Q Do you make any claim for her? A One child is all.
Q What is that child's name? A Mary Lou.
Q How old is she? A Eight months old.
Q Is Damie Wood your wife the mother of Mary Lou Wood, this child? A Yes sir.
Q Have you the proof of your marriage to your wife here?
A Yes, sir.

The original certificate of marriage of Charles H. Wood and Jamie Hope presented by applicant, received filed, marked exhibit A and made part of the record in this case.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896? A No, sir
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory. A No, sir.
Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaw s claiming under article fourteen of the treaty of 1830. A Yes, sir.
Q Do you understand that article? A Yes, sir I do.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to d oso by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey ;i n like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin thelocation of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grantin fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with that article ?
A Well not that I know of; that,s what I've heard them say; they did.
Q Heard members of the family say so? A Yes, sir.
Q What is the name of your ancestor who complied and through whom you claim your right ? A Why Ball.
Q Full name? A Alabeath Ball.
Q Was that her maiden name? A Yes, sir.
Q What was her husband's name? A His name was Freeman.
Q Do you know the full name? A No, sir.
Q Was he a white man? A Yes, sir.
Q How much Choctaw blood did Alabeath Freeman have or Alabeath Ball? A One half I think.
Q What relation was she to you? A She was my great grandmother.
Q What was her child's name through whom you claim as an ancestor of yours? You claim through your father Andrew J. Wood and what was his ancestor's name who had the Choctaw blood?
A My grandmother.
Q Who was your grandmother then that had the Choctaw blood?
A My greatgrandmother. Q Yeam that's Alabeath Ball ; now what is the name of your grandfather or grandmother whoever

the Choctaw ancestor was? A Freeman.
Q What Freeman? A I don,t remember; I've heard the names but I don't remember them.
Q You don't recollect it? A No, sir.
Q Did your great grandmother Alabeath Freeman nee Ball live in the old Choctaw Nation in Mississippi in 1830 and have a family there then? A I don't know; I cant say.
Q Did she ever live in Mississippi? Yes, sir.
Q Did she ever live in Alabama? A Not that I know of
Q Where was she born? I don,t know where she was born.
Q When was she born? A I cant tell you.
Q When and where did she die? A I don't know where she died.
Q Where did she live most of her life? A Mississippi I think.
Q Most of her life? A I don't know where she did live most of the time; I can't say, where she did live most of her life.
Q Do you know whether your ancestor Alabeath Freeman or anybody for her went to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and attempted to register under article fourteen of that treaty? A Well I've heard them say she did.
Q That's a matter of family history is it? A Yes, sir, that's all I know; just what I've heard them say.
Q Did any of your Choctaw ancestors Alabeath Ball or any other live on land in that old ChoctawNation either in Mississippi or Alabama five years and at the end of that time receive a patent or deed from the government for it? A No, sir.
Q Did any of them claim any land in that old Choctaw Nation under article fourteen of that treaty? A No, they never claimed it.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation Indian Territory? A Not that I know of.
Q Did any of them go to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 at the expense of the government? A I don't know.
Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830 or 1831? A I cant say whether they did or not.
Q Did any of them go before a commission appointed by act of Congress in 1837 or a commission appointed by act of Congress approved August 23 1842 and claim any rights under article fourteen of that treaty? A I dont know.
Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi AlabamaLouisiana or Arkansas? A No sir.

Q These certificates(or,as they were then called,scrip) were issued under act of Congress approved August 23 1842 and authorized the holder who had proven their rightsunder article fourteen and also proven that their land had been taken from them by the government and sold to select land in Mississippi Alabama Louisiana or Arkansas.

Q Do you speak or understand the Choctaw language? A No, sir.

Examination by Mr. Harrison.

Q Who was Sarah Freeman? A Well she was my great grandmother
Q Was she your great grandmother or was she your grandmother? (No answer)
Q Whom did she marry? A (No answer)
Q Who was Henry Wood? A That was my grandfather's name.
Q Now what was his wife's name - your grandmother? A Her name was Alabeath Ball.
Q Now was your grandmother Alabeath Ball or was it your great grandmother? A I cant say; I don't really know which
Q You said in answer to the question as to whether or not your Choctaw ancestor received any scrip that he did not; do you mean to be understood that you know he did not or that you don't think he did? A I never heard anybody say he did; I don't know.
Q Then if you stated that your Choctaw ancestor or they received this scrip - were you mistaken in that and you wish to be understood as stating you don't know whether he received any scrip or not? A Yes:

---O---

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair; medium light complection; blue eyes;

Q Do you understand or speak Choctaw? A No sir.

Does not understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 30th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 6th day of February 1903.

Charles H. Sawyer

Notary public.

M C R 6635

Muskogee, Indian Territory, February 27, 1903.

Charles H. Wood,

Jackson, Missouri.

Dear Sir:

In compliance with the request of your attorneys, Messrs. Thomas & Harrison, your original marriage certificate is herewith returned you, a copy of the same having been filed with the record in your case.

Respectfully,

Chairman.

MoM OO

M C R 6635

Muskogee, Indian Territory, February 27, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you request that the original marriage certificate filed in the case of Charles H. Wood, et al., M C R 6635, be returned to Mr. Wood.

In reply you are informed that your request has this day been complied with, a copy of said certificate having been made and filed with the record in this case.

Respectfully,

Chairman.

COPY.

M. C. R. 6635.

Muskogee, Indian Territory, June 15, 1904.

Charles H. Wood,

Jackson, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor child, Mary Lou Wood.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M.C.R. 6635.

Muskogee, Indian Territory, May 8, 1905.

Charles H. Wood,

Jackson, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6635

No. 6635

For Identification as a Mississippi Choctaw.

Date JAN 30 1903

Name Charles H. Wood.

Age 32. Blood 1/16

Post Office. Jackson, Mo.

Father: Andrew J. Wood. l.

Mother: Louisa " l.

Claims through father -

wife

Dannie Wood. l. w.

No claim for wife. -

Children

Mary L. Wood. 8 m

Claim for.

Self and child.

Stenographer Clara Mitchell Woods

R.

Charles N. Wood et

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

RECORD FORWARDED DEPARTMENT
AUG 1 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

6 355

Choctaw MCR 6636

Joanna Van Amburgh

MCR 6636

6636

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 30, 1903.

In the matter of the application of Joanna Van Amburgh for the identification of herself and her three minor children Mary M., Gracie L., and Ida Ruth Van Amburgh as Mississippi Choctaws.

Thomas and Harrison, attorneys for applicant, represented by Mr. Harrison.

Joanna Van Amburgh being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Joanna Van Amburgh.
Q What is your age? A I'm thirty five.
Q What is your post office address? A Jackson Missouri. Rural Route No. 1.
Q Is your father living? A Yes, sir.
Q And your mother also? A Yes, sir.
Q What is your father's name? A Andrew Jackson Wood.
Q And your mother's name is what? A Louisa Wood.
Q Have you always lived in Missouri. A I was born in Illinois and we left there when I was just about six years old and then went to Missouri.
Q And have been in Missouri ever since? A Yes sir.
Q Where were you born in Illinois? A Williamson County.
Q Do you claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A One sixteenth part I suppose.
Q You claim he is one eighth Choctaw? A Yes, sir.
Q He has made application to be identified as a Mississippi Choctaw today has he? A Yes, sir.

His case is referred to as M.C.C. 6633.

Q You want to refer also to his certificate of marriage to your mother, filed in his application? A Yes, sir.
Q You are married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q And what is his nationality? A American.
Q I suppose so but is he a Caucasian? A White man.
Q What is his name? A J.W.Van Amburgh
Q Do you make any claim for him as a Choctaw Indian? A No sir
Q What are the names of your children beginning with the oldest
A Mary M. Van Amburgh.
Q How old is she? A She's six years old.
Q Next? A Gracie L. Three.
Q The next? A Ida Ruth.
Q How old? A Three months old.
Q You claim for yourself and these three children? A Yes sir.
Q Is your husband J.W.Van Amburgh the father of these three children? A Yes, sir
Q Are you and he living together as husband and wife and are these children living with you at your home? A Yes, sir.

Q Is your name or is the name of this oldest child of yours on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for your self and children to the Choctaw tribal authorities in the Indian Territory? A No, sir.
Q Have you ever made any such application for yourself and oldest child to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with any of your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory?
Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No, sir I don't know.
Q What is the name of the ancestor that you make this application through today? A Alabeath Ball.
Q Was that her maiden name or her married name? A I got that wrong didn't I?
Q I don't know whether you did or not. A I guess that's right
Q Now you claim through Alabeath Ball do you? A Yes, sir.
Q Was that her maiden name or married name? A It was her maiden name.
Q Whom did she marry? A Freeman.
Q What relation was Alabeath Ball or Freeman to you? A My great grandmother.
Q Did she live in Mississippi in 1830 and have a family there then? A I cant say; I dont know.
Q Do you know where she lived at any time of her life?
A I don't know only what I've heard here this morning.
Q What have you heard this morning. A That she lived in Mississippi I believe.
Q The testimony as to her residence in the state of Mississippi that you have heardthis morning has been decidedly misty .
A I don't know.
Q Where was she born? A I don't know; North Carolina I suppose.
Q Where did she die? A I don't know.
Q Do you know when she was born and when she died? A No, sir , I don't.
Q Do you know whether she ever lived in the state of Alabama?
A No, sir I dont know.
Q Do you know whether she or any other Chotaw ancestor of yours went to the United States Indian agent whose name was Colonel Ward within six months after the ratification of the treaty of 1830 and attempted to register under article fourteen of that treaty? A I think they did and were throwed out.
Q Where was she living at that time? A I don't know only what I've heard my father say; this morning he said he thought she lived in North Carolina.
Q You think she went from North Carolina to Missi sippi and registered? A That's more than I can tell.
Q If you think she did attempt to register did she go from Mississippi back to North Carolina or did she remain in Mississippi and live on land five years and then get a patent from the government for that land ? A I don't know.
Q Did any Choctaw ancestor of yours claim any land in Missi sippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors Alabeath Ball or any other having Choctaw blood go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation Indian Territory? A No, sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 at the expense of the government? A I don't know.
Q Did any of them own improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.
Q Did any of your Choctaw ancestors go before a commission appointed in 1837 or in 1842 and claim any rights under article fourteen of that treaty? A I think they did.
Q Before which commission did any of your Choctaw ancestors go. A I don't know; it was Ward I think.
Q Well, Ward was the United States Indian agent and registered applications under article fourteen in 1831 during the six months that followed the 24th day of February of that year; I'm now asking about the commission of 1837 or the commission of 1842 and whether you know if any of your ancestors went before either of these two commissions? A No, sir I dont know.

These two commissionswere appointed to hear claimants who had tried to register under article fourteen but whose names had been refused by Colonel Ward a place on his registry list. And because of his neglect or refusal to enroll or register these applicants, their land had been taken from them in the old Choctaw nation and sold ; their compl-ints at this injustice on the part of the government and its agents caused these two commissions to be appointed.

Q Did any of your Choctaw ancestors receive any scrip which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No, sir.

This scrip was issued under act of Congress approved August 23 1842.

Q Do you speak the Choctaw language? A No sir.
Q Do you want to have your case consolidated under the case of John H. Bennight et al? A Yes, sir.
Q What relation is he to you? A I cant say; I don't know.
Q He's some relation is he ? A Some relation.

The case of John H. Bennight W.C.R. 6225 is here referred to for the purpose of consolidation as being the application of a relative who claims through the same common ancestor.
Q You also want to refer to the case of your father? A Yes, sir

Thirty days time is allowed in this case for the introduction of other testimony.

By Mr. Harrison:

Q When you stated to the Commission that no scrip had been issued to your Choctaw ancestor in lieu of land; did you mean to say that you knew that as a fact or do you mean to say that you do not know? A I do not know.

Q What have you heard about your Choctaw ancestor Alabeath Ball having tried to get some land as a Choctaw in Mississippi if anything? A I never heard anything only what I heard this morning; what my fathersaid.
Q The matter then has not been discussed in your presence by members of your family? A No sir, my father's always told me ever since I've been big enough to know anything, I was part Indian; that's all I know.
Q Do you know who Sarah Freeman was? A My grandmother.
Q Whom did she marry? A Married grandfather Henry Wood.
Q Who was Sarah Freeman's father andmother? A Aaron Freeman and Alabeath Ball.

---O---

By the Commissi on:

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; dark brown eyes; medium dark complection; does not understand or speak the Choctaw language.

---O---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 30th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara M. Mitchell Wood

Subscribed and sworn to before me this 7th day of February 1903.

Charles Hetherington

Notary Public.

M C R 7135
7137-6737-6742
6563-6636-6601

Muskogee, Indian Territory, April 27, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing certificate of marriage between John Watson and Josie Wood, offered in support of the Mississippi Choctaw case of Josie Watson, et al.

Also certified copy of marriage certificate between J. C. B. Duff and Emma Perry, offered in support of the Mississippi Choctaw case of Charles E. Duff, et al.

Also the affidavits of Robison Collins and Leonard Collins, offered in support of the Mississippi Choctaw case of William H. Wood, et al.

Also joint affidavit of Bettie Wyatt, James H. Trimble, Sallie Hoffman and J. T. Hoffman, offered in support of the Mississippi Choctaw case of Waldo P. Jett.

Also certificate of marriage between John Van Amburgh and Joanna Wood, offered in support of the Mississippi Choctaw case of Joanna Van Amburgh, et al.

Also certificate of the Clerk of Logan County, Illinois,

T A M S

relative to the marriage of R. T. Harper and Clara B. Koonts, offered in support of the Mississippi Choctaw case of Richard T. Harper, et al.

Also certificate of the Clerk of Logan county, Illinois, relative to the marriage of Fred C. Meyer and Lorah B. Acton, offered in support of the Mississippi Choctaw case of Laura B. Meyer, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M C R 6636

Muskogee, Indian Territory, January 16, 1904.

Joanna Van Amburgh,

Rural Route #1,

Jackson, Missouri.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you state "If you are through with my marriage certificate please return it to me."

In reply you are informed that it appears from our records that on January 30, 1903, you made application to this Commission for the identification of yourself and three minor children as Mississippi Choctaws, and that on April 27, 1903, a certificate of marriage between John Van Amburgh and Joanna Wood was filed in support of your claim.

Your marriage certificate cannot at this time be returned you, as it has been made a part of the record in your case, and your rights to such identification have not yet been passed upon. When a decision is rendered in your case you will be notified of the action of the Commission.

Respectfully,

Chairman.

M.C.R. 6636.

Muskogee, Indian Territory, May 8, 1905.

Joanna Van Amburgh,

Rural Route, # 1,

Jackson, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Rennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 6636.

Muskogee, Indian Territory, June 15, 1904.

Joanna Van Amburgh,

Rural Route No. 1,

Jackson, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Mary M. Van Amburgh, Gracie L. Van Amburgh and Ida Ruth Van Amburgh.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M C R 6036

Muskogee, Indian Territory, May 19, 1905.

Joanna Van Amburgh,

R. F. D. No. 1,

Jackson, Missouri.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, requesting the return of your marriage certificate.

In reply you are informed that all papers filed in support of your application for identification as a Mississippi Choctaw are now in the hands of the Department, and you should correspond with the Secretary of the Interior, Washington, D. C., relative to the return of your marriage certificate.

Respectfully,

Chairman.

6636 No. 6636

For Identification as a Mississippi Choctaw.

Date JAN 30 1903

Name Joanna Van amburgh.

Age 30 Blood 1/16

Post Office. Jackson, Mo. Rural Route no 1.

Father: Andrew J. Wood l

Mother: Louisa " l.

Claims through father 1/8

~~Husband~~ Husband.

J. W. Van amburgh. l. w.

No claim for husband

Children:

Mary M. Van amburg, 6

Gracie L " 3

Ida R. " 3 m.

Claims for dau & and 3 minors.

Stenographer Clara Mitchell Wood

REFUSED

R. [illegible]

Joanna Van Hughes

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

[illegible]

NOTICE OF DECISION MAILED ATTORNEYS FOR [illegible] CHEROKEE AW NATIONS.

JUN [illegible] 1904

RECORD FORWARDED DEPARTMENT.

[illegible] 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

AP[illegible] 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAY [illegible]

[illegible]

NOTICE OF DEPARTMENTAL ACTION FORWARDED [illegible]

[illegible]

(1.25.5)

Choctaw MCR 6637

Josie Watson

MCR 6637

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 30, 1903.

In the matter of the application of Josie Watson for the identification of herself and her two minor children Huntergene and Lynnwoodie Watson as Mississippi Choctaws.

Thomas A Harrison, Attorneys for applicant, represented by Mr. Harrison.

Josie Watson, being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Josie Watson.
Q What is your age? A Twenty five.
Q What is your post office address? A Cape Girardeau Missouri.
Q How long have you lived there? A Five months.
Q Where did you live before that? A Jackson Missouri.
Q Where were you born? A In Jackson Missouri.
Q Is your father living? A Yes, sir.
Q And mother? A Yes, sir.
Q What is your father's name? A A.J. Wood; Andrew Jackson.
Q And your mother mother's name? A Louisa.
Q Do you claim your Choctaw blood through your father?
A Yes, sir.
Q How much do you claim? A One sixteenth I guess.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No, sir.
Q Your father applied to day to be identified as a Mississippi Choctaw did he? A Yes, sir.

His case is referred to No. M.C.R. 6633 for the purpose of consolidation.

Q He also filed with his application the proof of his marriage; you want to refer to that also do you? A Yes, sir.
Q Are you married? A Yes, sir.
Q Your husband is living? A Yes, sir.
Q What is his name? A John F. Watson.
Q What is his nationality? A White.
Q You make no claim for him? A No sir.
Q How many children have you? A Two.
Q What is the name of the oldest?? A Huntergene.
Q How old is he? A Two years old.
Q What is the name of the next child? A Lynnwoodie.
Q How old is that child? A Four months.
Q Is Huntergene a boy? A No sir a girl.
Q And Lynnwoodie? A Boy..
Q You claim for yourself and these two children do you?
A Yes sir.
Q Is John F. Watson the father of these two children? A Yes sir.
Q Are you and your husband living together as husband and wife and are these children living with you at your home, A Yes, sir.

Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir
Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896? A No sir
Q Is this your first application of any kind for citizenship in the Choctaw Nation? A Yes, sir.
Q You never have been enrolled by any authority whatever?
A No, sir.
Q Do you now desire to be identified with these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article? A I guess I do.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did your Choctaw ancestors comply with that article, any of them ? A Yes sir.
Q Who did; do you know. A I dont understand what you mean.
Q What is the name of your ancestor you are claiming through?
A My father and my great grandmother.
Q What was her name? A Alabeath Ball.
Q That was her maiden name? A Yes sir.
Q Now whom did she marry? A Aaron Freeman.
Q He was a white man? A yes sir.
Q And your great grandmother had how much Choctaw blood?
A Half.
Q Did she live in Mississippi in 1830? A I don,t know.
Q Do you know where she was born and when? A No sir.
Q Do you know where and when she died? A No sir.
Q Do you know where she lived during her life time? A No sir.
Q Can you give the name of any Choctaw ancestor who lived in Mississippi in 1830 or in Alabama? A No sir.
Q Did Alabeath Ball or anyone for her go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi in the old Choctaw Nation, take land and become a citizen of the states? A I dont know.
Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation five years and then get a patent from the government under article fourteen? A I dont know.

Q Didany of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I dont know.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I dont know.
Q You claim through your father Andrew J. Wood? A Yes sir.
Q And he claimed through whom - his father or mother? A Mother.
Q Her namewas what? A Sarah Freeman.
Q Did she marry a man named Wood? A yes sir.
Q And Sarah Freeman's father was named what? A Aaron Freeman.
Q And her mother's name - what was her name? A Alabeath Ball.
Q Did any of those ancestors that you have named from your father back to Alabeath Freeman live in the old Choctaw Nation in Mississippi or Alabama? A I dont know.
Q You dont know whether anyof them went from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A No sir I dont..
Q Did any of them between 1830 and the date of this appli ation made by you today? A No sir.
Q Did any of them go before a commission that was appointed by act of Congress approved March 3 1837 or a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830? A I dont know .

These two commissions were appointed because Colonel William Ward refused to register many Choctaw Indians who had attempted to register under article fourteen of that treaty; and because of his refusal their land in the old Choctaw Nation was taken from them by the government and sold; therefore they went before these commissions for redress.

Q Did any of your Choctaw ancestors receive any scrip from the government which was issued under act of Congress appointing the Commission in 1842? A I dont know.

Thi scrip entitled them to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had formerly had in the old Choctaw Nation and which the government had taken from them and sold.

Q Do you speak or understand the Choctaw language? A No sir.

Q What relation is John H. Bennight to you? A I dont know.
Q Is he living? A Yes.
Q He has made application to be identified as a Mississippi Choctaw and claims his ancestor is one named Alabeath Ball who married Freeman; is that the same person through whom you claim? A yes sir.
Q Do you want to have your case consolidated under this case? A yes sir.

The case of John H. Bennight M.C.R. 6268 is here referred to for the pupose of consolidation. Reference is also made to M.C.R. 6633 Andrew J. Wood et al.

Examination by Mr. Hardison:

Q Have you ever heard in your family anything about your great grandmother having at any time attempted to get land as an

Choctaw in Mississippi? A My father always said she did but she was too late or something; I dont know what.

Q Now, if you remember, just tell us what your father has told you from time to time about that? A That's about all I remember about it.

Q Did your father tell you where your great grandmother lived at that time? A No sir.

Q Did he tell you what part of Mississippi your great grandmother went to? A No sir.

Q Did he tell you at what time and where it was that she made that trip? A No sir.

Q Did he undertake to tell you any of the circumstances of that trip? A No sir.

Q Did he or any other member of your family ever tell you anything further that you can testify to about your great grandmother going to Mississippi to get land as a Choctaw.

A No sir.

---O---

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; brown eyes; medium dark complection; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---O---

Clara Mitchell Wood being first duly sworn upon her oath stat esthat as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 30th day of January 1903 and that the above and foregoing is a full true and correct transcript of herstenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 10th day of February 1903.

Charles H Lawyer

Notary Public.

N C R 7135
7137-6787-6748
6803-6836-6801

Muskogee, Indian Territory, April 27, 1903.

Thomas & Harrison,

Attorneys at Law.

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing certificate of marriage between John Watson and Josie Wood, offered in support of the Mississippi Choctaw case of Josie Watson, et al.

Also certified copy of marriage certificate between J. C. B. Duff and Emma Perry, offered in support of the Mississippi Choctaw case of Charles M. Duff, et al.

Also the affidavits of Robinson Collins and Leonard Collins, offered in support of the Mississippi Choctaw case of William M. Wood, et al.

Also joint affidavit of Bettie Wyatt, James H. Trimble, Mollie Hoffman and J. T. Hoffman, offered in support of the Mississippi Choctaw case of Waldo P. Jett.

Also certificate of marriage between John Van Amburgh and Joanna Wood, offered in support of the Mississippi Choctaw case of Joanna Van Amburgh, et al.

Also certificate of the Clerk of Logan County, Illinois,

T & M 2

relative to the marriage of R. T. Harper and Clara B. Rhoads, offered in support of the Mississippi Choctaw case of Richard T. Harper, et al.

Also certificate of the Clerk of Logan county, Illinois, relative to the marriage of Fred G. Mayer and Lorah B. Aston, offered in support of the Mississippi Choctaw case of Laura B. Mayer, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M.C.R. 6637.

Muskogee, Indian Territory, May 8, 1905.

Josie Watson,

Cape Girardeau, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 6637.

Muskogee, Indian Territory, June 15, 1904.

Josie Watson,

Cape Girardeau, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., includin g you and your minor children, Huntergene Watson and Lynnwoodie Watson.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

6637

No. 6637

For Identification as a Mississippi Choctaw.

Date JAN 30 1903

Name Josie Watson

Age 25 Blood 1/16

Post Office. Cape Girardeau, Mo.

Father. Andrew J. Wood. l.

Mother. Louisa " l.

Claims through father

Husband

John T. Watson l. w.

No claim for husband

Children

~~Huntergene~~ F.

Huntergene Watson, 2

Lynnwoodie M. " 4 m.

Claims for self and 2 children

Stenographer Clara Mitchell Wood

REFUSED

R.

Josie Watson, et al

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY

6255

Choctaw MCR 6638

James L. Wood

MCR 6638

6638

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 30, 1903.

In the matter of the application of James L. Wood for the identification of himself and his three minor children, Minnie F., William A., andAllen N. Wood as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

James L. Wood being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James L. Wood.
Q Whatis your age? A Thirty four.
Q What is your post office address? A Florilla Missouri
Q How long have you lived there? A I was born and raised there.
Q Is your father living? A Yes sir.
Q And mother? A Yes sir.
Q What is your father's name? A William H. Wood.
Q What is your mother's name? A Susan.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One sixteenth
Q You claim he was one eighth do you? A Yes sir.
Q Have you the proof of the marriage of your father and mother with you now? A No sir.
Q Do you know when and where they were married? A No I dont know.
Q Were they married by a minister under a license? A I suppose they were.
Q Are you married? A Yessir.
Q Is your wife living? A Yes sir.
Q What is her nationality.
A White.
Q What is her name? A Samantha J. Wood.
Q You dont claim anything for her do you? A No sir.
Q How many minor children have you? A Three.
Q What is the name of the oldest? A Minnie F.
Q How old is she? A Fifteen.
Q Next. A William A.
Q How old is William? A Thirteen.
Q Next? A Allen N.
Q How old is Allen? A Nine.
Q Is that all the children? A Yes, sir.
Q You claim for yourself and them? A Yes sir.
Q Is your wife Samantah J. Wood themother of these children?
A Yes sir.
Q Are you and she living together as husband and wife and are these children living with you? A Yes sir.
Q When were you married? A The 19th of September 1887.
Q By a minister under a license? A Yes sir.
Q Where were you married? A In Missouri.
Q Have you the proof of that marriage here? A No I haven't.
Q Is your name or are thenames of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir, not that I know of
Q Have you ever made application for citizenship in the Choctaw

Choctaw to the Choctaw tribal authorities for yourself and children? A No sir.
Q Have you ever made any such application for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A yes sir I think I do.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A I've heard it talked that they did.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
A Alabeath Ball.
Q Is that her maiden name? A yes, sir.
Q How much Choctaw blood did Alabeath Ball have? A Half.
Q What relation was she to you? A My great grandmother.
Q And she married whom? A Aaron Freeman.
Q White man? A Yes sir.
Q When andwhere was she born? A I dont know.
Q When and where did she die? A She died in Missouri.
Q Did she at any time live in Mississippi and if so did she live there in 1830 and have a family there then,
A I dont know.
Q Did she live there at any time? A I dont know whether she did or not.
Q Did she go to Colonel Ward or did any one for her within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen of the treaty of 1830? A She went and attempted.
Q Did she succeed in registering, do you know? A I think not.
Q What did she do after she made the effort to register? A She went back to North Carolina.
Q Did she go back right away? A yes sir.
Q Then she didn't occupy land in the old Choctaw Nation five years and then get a patent for it from the government did she
A No sir.

Q Neither she nor anyone of your Choctaw ancestors claimed any land in the old Choctaw Nation under article fourteen of the treaty of 1830 to your knowledge? A No sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian territory? A I dont know.
Q Never heard any of them went between 1833 and 1838 with the other Indians at the expense of the government? A No.
Q Did any of your Choctaw ancestrs own any improvements on land in the old Choctaw nation either in 1830 or 1831.
A I dont know.
Q Did any of them go before a commission appointed in 1837 or 1842 and claim any rights under article fourteen of the treaty of 1830? A I dont know.
Q You understand why these commissions were appointed; you have heard me explain it several times? A Yes sir.
Q Did any of them get any scrip fromthe government under the act of congress approved August 23 1842? A I dontknow.
Q You understand about that act of Congress don't you and what that scrip was issued for? A Yes sir.
Q Do you speak the Choctaw language? A No sir.
Q Are you related to John H. Bennight? A Yes, he's my second cousin.
Q He has made application to be identified as a Mississippi Choctaw; do you want to refer to his case?
A Yes sir.

John H. Bennight W.C.# 6255 made application to be identified as a Mississippi Choctaw; his case is here referred to for the purpose of consolidation; also the case of 6601 is referred to, being the father of this applicant.

Thirty days time is allowed this applicant from the date hereof for the introduction of other proof if he desires, in suppo t of this application.

Examination by Mr. Harrison.

Q You know nothing of your personal knowledge about the facts you have been testifying to with reference to any effort of your Choctaw ancestors to get land in Mississippi in 1830 as Choctaws. A No I dont know.
Q And your testimony in this regard is based upon what you have heard in your family and from your knowledge of the family history and tradition? A Yes, sir.
Q Whok of your people have you heard speak of your Choctaw ancestry? A I've heard a great many speak about it.
Q Do you know of any old persons who would likely know something of the history of your family? A Yes, sir.
Q What are their names and where do they live? A Mrs. Lee, Mountain Grove, Missouri. Elizabeth Lee.
Q Have you ever had any conversation with her? A No, I never heard anything only I've heard a great lot about what she knows; I never talked with her about it.

---O---

By the Commission:

This applicant has the appearance and physical characteristics

of being descended from white parentage; he has dark hair, almost black, and reddish brown mustache, gray eyes, dark complection, does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of arti le fourteen of the treaty of 1830.

---O---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 30th day of January 1903 and that the above and foregoing is a true and correct transcript of her stenographic notes in said cause.

Clara Mitchell Wood

Subscribed and sworn to before me this 10th day of February 1903.

Charles N. Sawyer

Notary public.

M C R 6439
M C R 6638

Muskogee, Indian Territory, February 24, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing certified copy of marriage record between Lowell Wood and S. J. Douglas, offered for filing in support of the application made by James L. Wood for the identification of himself and minor children as Mississippi Choctaws.

Also joint affidavit of John F. Turnbull, W. H. Wood and Isaiah Collins to the marriage of Ira Freeman and Mary Collins; and certificate of H. A. Mingus, minister of the gospel, to the performance of the marriage ceremony between Benjamin Freeman and his wife Margaret, offered for filing in support of the application made by Benjamin Freeman for the identification of himself and his minor children as Mississippi Choctaws.

The same have been filed in these respective cases.

Respectfully,

Chairman.

COPY.

M. C. R. 6638.

Muskogee, Indian Territory, June 15, 1904.

James L. Wood,

Florilla, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Minnie F. Wood, William A. Wood and Allen N. Wood.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

M.C.R. 6638.

Muskogee, Indian Territory, May 8, 1905.

James L. Wood,

Florilla, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John T. Bennight et al, of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6538

No. 6638

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date JAN 30 1903

Name James L. Wood

Age 34 Blood 1/16

Post Office, Flowella, Mo.

Father: William H. Wood. 1

Mother: Susan " 1

Claims through father, '18.

Wife,
Samantha J. Wood, 1. w
No claim for wife.

Children:

Minnie F. Wood 15
William A. " 13
Allen V. " 9

Claims for self and 3 minors

Stenographer Clara Mitchell Wood

FOR DEFICIENCIES
AMISS IN CHOCTAW R.

James L. Wood et a

DECISION RENDERED

JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAY 5 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS.

REFER TO M. C. R. 6255

Choctaw MCR 6639

John H. Wood

MCR 6639

Department of the Interior
Commission to the Five Civilized Tribes
6639 Muskogee, Indian Territory, January 30, 1903.

In the matter of the application of John H. Wood for the identification of himself and his three minor children William M., Mellie E., and Charles N. Wood as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicant represented by Mr Harrison.

John H. Wood being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John H. Wood.
Q What is your age? A Thirty.
Q What is your post office address? A Florilla, Missouri.
Q Have you always lived in Missouri. A Yes sir.
Q And how long in Florilla. A I was born and raised in three miles of the place.
Q What is your father's name? A William H. Wood.
Q Is he living? A Yes, sir.
Q Mother living? A Yes sir; her name is Susan Wood.
Q You claim your Choctaw blood through your father? A yes sir.
Q How much do you claim? A One sixteenth.
Q You claim he was one eighth? A yes sir
Q Was your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A No sir.
Q Do you know when and where he was married? A No sir.
Q Have you the proof of his marriage with you? A No sir.
Q Was he married by a minister under a license? A I cant say.
Q Are you married? A Yes sir.
Q What is your wife's name? A Christina.
Q She's living? A yes sir.
Q And what is her nationality? A She's white.
Q You make no claim for your wife do you? A No sir.
Q Now I will have the children, beginning with the oldest.
A William M. Six years old.
Q The next? A Mellie E. Three. Charles N. One years.
Q Boy? A yes sir.
Q You claim for yourself and these three children do you?
A Yes sir.
Q Is your wife Christina Wood the mother of these three children
A yes sir.
Q Are you living with your wife and are these children living with you both at your home? A Yes sir.
Q Have you the proof of your marriage with you? A No sir.
Q When you tell when you were married to her? A Not the date of the year; I was married the 19th of January.
Q Don't you know how long ago; this in 1903 now. A It's been eight years ago I suppose; no, I will take it back; it's seven.
Q Were you married by a minister under a license? A Yes sir.

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission underact of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you want to identify them and yourself as Mississippi Choctaws? A yes sir.
Q Claiming under article fourteen of the treaty of 1830? A yes sir.
Q Do you understand that article? A I think I do.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestor who lived in Mississippi in 1830 if you know of any such? A Alabeath Ball.
Q Did she live in Mississippi in 1830 and have a family there then? A I dont know.
Q Did she comply with article fourteen of that treaty? A I cant say.
Q What relation was Alabeath Ball to you? Grandmother.
Q That was her married name? A She married Aaron Freeman.
Q She was your great grandmother? A Yes sir.
Q How much Choctawblood did she have? A Half.
Q And Aaron Freeman was a white man? Yes sir.
Q Where was she born and when? A I cant say.
Q When and where did she die? A I cant say.
Q Where did she live during her live? A Well I cant say.
Q Did she go to Mississippi in 1831 and attempt to register under article fourteen of the treaty of 1830 by going to Ward the Indian agent and telling him she wanted to register under that article? A That's been my understanding.
Q Did she register? A No I think not.
Q Did she go there too late or wouldn't he register her or what was the matter? A I cant say which; whether she got there too late or what was the cause of it.
Q Then what did she do or where did she go? A I aint sure but I believe she came back to Missouri.

Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama five years and then get a patent from the government for that land??
A Not that I know of.
Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation Indian Territory? A Not that I know of
Q Did any of them go with the Indians between 1833 and 1838 at the expense of the government? A Not that I know of.
Q Did any Choctaw ancestor of yours own any improvements on land in the old Choctaw Nation in 1830 A I dont know.
Q Did any of them go before a Commission appointed in 1837 or 1842 and claim any benefits under article fourteen of that treaty? A Not that I know of.
Q You understand why these two commissions were appointed dont you and what those Choctaws went before them for ? A yes, sir.
Q You understand well enough, with out any further explanation about these commissions? A yes sir.
Q And you also understand that in 1842 scrip was issued to Indians who proved their rights under article fourteen and also proved that their land had been taken from them?
A Yes sir.
Q Now do you know whether any of your Choctaw ancestors received any such scrip from the government? A I dont know.
Q Do you understand or speak the Choctaw language? A No sir.
Q Are you related to John H. Bennight? A yes sir.
Q What relation? A Second cousins.
Q Would you like to have your case considered with his? A Yes sir.
Q What is the name of your father? A William H. Wood.
Q He has been here and made application? A yes sir.

His case is referred to M.C.I. 6601 for the purpose of consolidation; also the case of John H. Bennight M.C.R. 6265.

Thirty days time is allowed in this case for the introduction of other proof.

Examination by Mr. Harrison.

Q Where do you get your information about your great grandmother having at one time tried to get land as a Choctaw in Mississippi? A I heard it from my father and grandfather.
Q What was your grandfather's name? A Henry Wood.
Q What was your grandmother's name? A Sarah.
Q What was her maiden name? A Freeman.
Q Who was her mother? A Alabeath Ball.
Q And her father? A You mean my great grandmother's father?
Q No sir not your great grandmother's father but your great grandfather and your great grandmother's husband?
A Why Aaron Freeman.
Q What have your father and grandfather told you about your great grandmother? A Well I've always heard ever since I can recollect, that I was part Choctaw and my father said that my great grandmother was half Choctaw; I've been taught that ever since I can recollect.
Q What did you hear about your great grandmother going to Mississippi in the early days and trying to get land there as a Choctaw? A Well I've always understood she did but I cant

what was the cause she didn't get it; it's my understanding she didn.t get it.

Q Did you hear of the circumstances of that visit as to where she went and how long she stayed? A No sir I cant tell you about that.

Q You just heard in a general way in your family history and tradition that your great grandmother tried to get land as a Choctaw in Mississippi? A Yes sir.

Q Did you hear why shes didn.t get it? A Why if I did I dont recollect.

Q Do you know of any old persons who are acquainted with the older members of your family and by whom you can likely procure proof in support of your claim? A Why I dont believe I do.

Q Did you ever hear the name Silas Ball? A No sir, didn.t.

By the Commission:

This applicant has blue eyes; ruddy complection; red mustache; light brown hair; doesn't understand the Choctaw language.

A No sir.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 30th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 10th day of February 1903.

Charles M. Jacoyne

Notary public.

M C R 6602-6639
M C R 6687-6768

Muskogee, Indian Territory, March 19, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 12 12th instant, enclosing certified copy of marriage license and certificate between William J. Howard and Mary Ellen Warren, offered in support of the application made by William J. Howard for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage record between Aaron P. Johnson and Elizabeth Woost offered in support of the application of Lovie J. Baldwin for the identification of herself and minor children as Mississippi Choctaws.

Also certified copy of marriage record between John H. Wood and Christena Loyd, offered in support of the application of John H. Wood for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license between Leonard Cheatham and Brookey J. Morgan, offered in support of the application made by Brookie J. Davis for the identification of Clara E.

T & H 8

and Elisha M. Cheatham as Mississippi Choctaws.

The above mentioned documents have been filed and made a part of the record in the respective cases.

Respectfully,

Chairman.

COPY. M. C. R. 6639.

Muskogee, Indian Territory, June 15, 1904.

John H. Wood,

Florilla, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, William H. Wood, Mellie E. Wood and Charles N. Wood.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M.C.R. 6639.

Muskogee, Indian Territory, May 8, 1905.

John H. Wood,

Florilla, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John T. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6639 No. 6639

For Identification as a Mississippi Choctaw.

Date JAN 30 1903

Name John H. Wood

Age 30 — Blood 1/16

Post Office. Florilla, Mo.

Father: William H. Wood. d

Mother: Susan " d

Claims through father 1/8

Wife.

Christania Wood. l. w

No claim for wife —

Children:

William M. " 6

Mellie E. " 3

Charles N. " 1

Claim for self & 3 minors.

Stenographer Clara Mitchell Wood

REFUSED

FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW.

John. W Wood

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED

APPLICANT

JUN 1[illegible] 190[illegible]

NOTICE GIV[illegible]

FORWARDED ATTORNEY

FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAY 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

REFER TO M. C. No. 6255

Choctaw MCR 6640

James R. Smith

See MCR 6990, 6988, 6995
6763, 6994

MCR 6640

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 30, 1903.

In the matter of the application of James R. Smith for the identification of himself and his six minor children, Lee, Etta, Allie, Armetta, Edna and Ruthenia Smith as Mississippi Choctaws.

A. S. McRea, Attorney for applicant.

James R. Smith being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A J.R.Smith.
Q What does the J stand for? A James.
Q What is your age? A As nigh as I can come at it - about thirty nine.
Q What is your post office address? A Stigler.
Q Indian Territory? A Yes sir.
Q How long have you lived in Stigler? A About three years.
Q Is Stigler in the Choctaw nation? A Yes sir.
Q How long have you lived altogether in the Choctaw Nation?
A Seven years this January.
Q Where did you live before that? A In Newton County., until I was twenty years old and come to Winston County and come from Winston to the Indian Territory.
Q Newton County Mississippi? A Yes sir.
Q Were you born andraised in Mississippi? A yes sir.
Q And from Mississippi you went to the Indian Territory?
A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A John Enoch. Smith.
Q What was your mother's name? A Nancy Jane Smith.
Q Do you claim your Choctaw blood through your father or mother or both? A Through my mother.
Q How much Choctaw blood do you claim ? A Half breed.
Q Was your mother a full blood Choctaw Indian? A yes sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I don't know
Q Did she ever live in the Indian Territory? A No sir.
Q Where did she die? A In Mississippi; Newton County.
Q Is your wife living? A Yes sir.
Q What is her blood or nationality; is she a Choctaw Indian or a colored woman? A She's white.
Q What is your wife 's name? A Mollie Smith. 0699
Q You claim your mother was a full blood Choctaw and what was your father's nationality or blood ; was he a white man or colored man? A He was part Choctaw.
Q Do you make any claim through him as a Choctaw? A No sir; he was said to be a half breed and I don't know anything about his people.

Q What was his other blood besides Choctaw blood? A White.
Q You have no colored blood at all? A No sir.
Q Do you make any claim for your wife? A No sir.
Q You have how many children? A Six.
Q You want to make application for these six? A Yes sir.
Q Are they all under twenty one and unmarried? A Yes sir.
Q Give me the name of the oldest? A Lee.
Q Boy? A Yes sir.
Q Lee Smith? A Yes sir.
Q How old is Lee? A Seventeen
Q Now the next? A Etta, a girl.
Q How old is Etta? A Fifteen.
Q What is the name of the next child? A Allie.
Q Boy? A Girl.
Q How old is Allie? A Thirteen.
Q The next? A Armetta.
Q That's a girl? A Yessir.
Q How old is she? A She's ten years old.
Q Next? A Edna.
Q Girl? A Yes sir.
Q How old? A Seven years old.
Q Next? A Euthenia.
Q That's a girl? A Yes sir.
Q How old is Euthenia? A Thirteen months.
Q Is that all the children? A That's all.
Q Is Mollie Smith the mother of these children? A Yes sir.
Q When were you married to her and where? A In Winston County Mississippi about eighteen years ago.
Q What day of themonth and year? A I cant tell the month and year.
Q Were you marriedby a minister under a license? A Yes sir.
Q You haven't got the proof of that marriage, with you? A I send it; it's here.
Q Is your name on any of the tribal rolls of the Choctawa Nation in the Indian terrt ry? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir, I never did go before the council.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you e ver made any kind of application to the Dawes Commission for citizenship by blood in the Choctaw Nation for yourself and children? A Yes sir.
Q When didyou make any such application? A Last June was three y ars ago at Spiro Indian Territory.
Q Did you go before the Commission then and make application as a Choctaw by blood for yourself and children? A Yes, sir
Q Has any action ever been taken in your application made before the Commission at Spiro? A No sir .
Q Did they ever let you know of any action at all? A No sir.

Q The date of your application is June 12th - between June 12th and June 15th 1899 was it not ?A Yes sir.
Q You then applied as a citizen by blood of the Choctaw Nation for yourself and children? A Yes sir.
Q You then testified that you got your Choctaw blood from your mother Jane Smith who lived in Winston County Mississippi.
A She lived in Newton County.

Q You then gave it as Jane and you now give it as Nancy Jane; is it the same? A Yes sir.
Q You received a letter from the Commission dated January 17, 1903 advising you as to your right to make application for yourself and children as Mississippi Choctaws?
A Yes sir.
Q And in pursuance of that letter addressed to you you now come before the Commission to identify yourself as a Mississippi Choctaw and to identify these children as Mississippi Choctaws. A Yes sir.
Q Would you like to have the testimony and all of the evidence that was filed with your application when you appeared before the Commission at Spiro in 1899 D # 226 transferred to and made a part of this present application? A Yes.

The case of James R. Smith et al Choc. D. 226 is here referred to and at the request of the applicant and his consent is transferred to and made a partof this application which he makes now for his own identification and the identification of his children as Mississippi Choctaws.

Q Neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time have you? A No, sir.
Q And you now want to be identified as a Mississippi Choctaw with these children? A Yes sir.
Q Do you claim the right to be so identifiedunder article fourteen of the treaty of 1830.
A Yes sir.
Q Do you understand article fourteen of that treaty? A No sir

A treaty is a contract or agreement, more properly and technically speaking, a compact in writing made between two or more nations; you know what an agreement in writing is, made between individuals? A yes sir.

If that same contract in writing is made between nations then it's called a treaty and an article in a treaty is one of the sections or sub divisions of that treaty; in 1830 on the 27th day of September of that year a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; the object of this treaty was toget the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory; the government undertook to remove the Indians at the expense of the government and to locate them in the Choctaw Nation Indian territory and equip them with farming utensils and with annuity payments, of money and in other ways to provide for them until they could get fairly started as a Nation in theChoctaw Nation Indian Territory; the object of the government in thus removing the Choctaw Indians was to give them better protection in their tribal form of government than they had in the old Choctaw Nation because of the encroachments of the white people in the statesof Mississippi andAlabama where the old Choctaw Nation waslocated. But before this treaty could be signed it became known that a good many Choctaw Indians could not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. Article fourteen is part of the treaty and is that part of it under which you make your claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the headof the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A Yes sir.
Q What is the name of your ancestor through whom you make this claim now? A It's Tillemah.
Q Is that a man or woman? A Man.
Q And was who? A Grandfather.
Q Is that the Indian name of your grandfather? A Yes sir.
Q Didhe have an English name? A No sir not that I know of.
Q How much Choctaw blood did he have? A Full blood.
Q Do you know what his mother's name was? A Her name was Becky.
Q How much Choctaw blood did she have? A Full blood.
Q Your grandmother? A Yes sir.
Q Then these were the father and mother of your mother Nancy Jane Smith? A Yes, sir.
Q What was her maiden name? A Tillemah.
Q She had no distinctive Indian name that you know of? A No sir.
Q And you don't know what her Christian name was? A No, sir.
Q Do you know whether your grandfather and his wife Becky lived in Mississippi or Alabama? A In Mississippi.
Q Did they live in Mississippi seventy three years ago and have a family there then? A Yes, sir..
Q Did they, either of them or both of them go to the United States Indian agent Colonel Ward and attempt to register under article fourteen of the treaty of 1830? A I dont know.
Q Did either of them live on land in Mississippi in the old Choctaw Nation? A Yes sir.
Q Which land they received from the government under article fourteen f the treaty of 1830? A Yes, sir theylived on public land.
Q Do you know whether they lived on land five years after the treaty of 1830 was ratified and if at the end of that time they received a patent from the government for that land?
A Yes sir.
Q Did your grandfather Tillemah get a patent from the government
A I dont know sir.
Q Did Becky his wife? A I don:t know sir.
Q You answered yes a moment ago. A Well if they got patents I haven't seen it; I think they did.
Q What makes you think so? A I've heard such talk.

Q Who did you ever hear say that Tillemah or Beck or any one else received patents for land which they lived on five years in Mississippi? A I just heardpeople there in the county -- I've heard my mother and I've heard others.
Q Did you ever hear your father say so? A No sir.
Q Where was the land that Tillemah occupied in Mississippi?
A It was about forty miles northwest of meridian in Newton County.
Q How much land was occupied by your grandfather? A I dont know sir.
Q Do you know how it was bounded? A No I dont know.
Q If a patent was given to him, do you know where that patent is? A No, sir.
Q Did you ever see it? A No, sir.
Q Do you know of anybody that ever did see it? A No sir I don't know that I do.
Q It's just simply a matter of hearsay that he did get a patent of land there? A Yes sir.
Q And it's a matter of hearsay whether his wife got a patent?
A Yes sir.
Q You never saw the patent? A No sir.
Q Where did she occupy land in Mississippi? A She lived with him.
Q She occupied the same land? A Yessir.
Q You don't know whether she got a separate patent do you?
A No sir.
Q You never saw anybody that ever did see a patent belonging to either him or her? A I've heard them say they had a patent or duplicate; something sorter like that but I never saw it.
Q And you cant give the name of anybody who ever did see a patent to either him or her? A No sir.
Q Are you quite sure that he, your grandfather or his wife Becky occupied land in Mississippi which they heldas beneficiaries under article fourteen of the treaty of 1830?
A I know they lived there.
Q And lived on land there? A Yes sir.
Q But do you know whether they claimed that land because they were Choctaw Indians, fromthe government under that article or did they buy it? A I don't know; I think it was public land.
Q You are not able to tell anything further about it?
A No sir.
Q Do you know whether they went, either of them or any Choctaw ancestor of yours went from that old Choctaw Nation either in Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty for the purpose of making a home in the Choctaw Nation Indian Territory. A No sir; they didn't nary one of them go.
Q No ancestors of yours went? A No sir.
Q Youf father and mother didn't go? A No sir.
Q And your grandfather and grandmother didn't? A No sir they died right there and my father he left and my mother died.
Q And as far as you know you are the only one of all the blood being a descendant of your grandfather andhis wife Becky who has ever come to the Choctaw Nation Indian Territory? A Yes sir.
Q And you have been here seven or eight years? A Yes sir.
Q And you came for the purpose of making your home? A Yes sir.
Q Did you come directly from Mississippi? A Yes sir directly from Mississippi.
Q Do you know whether any of your Choctaw ancestors Tillemah or his wife Becky or any other Choctaw ancestor of yours

went before a commission appointed by act of Congress approved March 3 1837 or before a commission appointed by act of Congress approved August 23 1842 and claimed any rights under article fourteen of the treaty of 1830? A No sir.

These commissions were sent down to Mississippi by various acts of Congress to hear the cases of Choctaw Indians who tried to register under Wardin 1831 under that article fourteen but whose names Colonel Ward refused to put on his list and because of his refusal to do this those Indians who did occupy land in the old Choctaw Nation had their land and improvements taken from them by the government and sold and they made complaints, and these commissions were appointed to hear their complaints.

Q Do you know whether your grandfather or grandmother or your father or mother or any of your Choctaw ancestors having a right as Choctaw Indians went before either of these two commissions and claimed any benefits under article fourteen ? A No sir I dont.

Q Did any of your Choctaw ancestors receive any scrip or certificates entitling them to select land in Mississippi Alabama Louisiana or Arkansas? A I dontknow.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and proved also that they had land in the old Choctaw Nation which the government took from them and sold.

Q Do you speak the Choctaw language? A No sir I dont speak it much..My mother died when I was small and I've been living among the white folks.
Q Did your mother speak it? A She didn't talk n thing else.
Q She spoke Choctawonly did she? A Yes sir but she died when I was small.
Q Previous to the last seven or eight years you lived in Mississippi? A Yes, sir; I've been here ever since I left Mississippi.
Q Have any of your relatives or kin folks made application to be identified as Mississip i Choctaws? A No sir.

Thirty days time is allowed in this case for the introduction of other proof.

Q You claim through your mother Nancy Jane Smith? A Yessir.
Q Did she die in Miss ssippi? A Yes sir.
Q When did she die in Mississippi and where? A She died in Newton County.
Q What date? A I cant tell you.
Q How old would she be if living now? A She would be about sixty.
Q She wasn't living then when the treaty was made; did she have any older brothers or sisters? A No sir.
Q How old would your grandfather be if living now? A I expect he would be somewhere close to -- nigh about eighty years -- about eighty or a little older than that.
Q And his wife would be how old? A Somewhere about that; she was said to be a little younger than him.

Q Then as you understand it your grandfather if he would have been eighty now if living and she younger and both of them would have been children when the treaty was made? A I guess so.
Q I asked you if you remembered whether any of your Choctaw ancestors had their claims adjudicated by the commission of 1842 under article fourteen of the treaty of 1830; you dont know about that? A No sir I dont.

On page 400 of volume one of the Choctaw Nation against the United States in a tabular statement of cases arising under the fourteenth article of the treaty of Dancing Rabbit Creek which list of names was passed upon by the board of commissions in 1842 appears the name of Tille-mah.

Q Now do you know the name of either parent of Tille-mah, either the father or mother? A You are speaking about my grandmother's children?
Q your grandfather's father and mother? A No sir I dont.
Q Your grandfather Tillemah's father and mother? A No sir I dont know; I expect I've heard but it's out of my reach now.
Q Do you know whether Tille-mah your grandfather had any brothers or sisters who were younger or older than he?
A No sir.
Q You never heard that Tille-mah had a parent whose name was Chille-tah? A No sir, that's as high up as I can go.
Q Did you ever hear of Is'-to-mah-bone-chubbee? A I don't think I ever did.
Q Did you ever hear of To-no-te-mah? A No sir.
Q You don't know who these persons are? A No sir.
Q Did you ever hear of Mintubbee? A I don't believe I ever did
Q You don't know whether these were any way related to your grandfather Tille-mah? A No sir.
Q Did you ever hear that Tillemah received160 acres of land in Mississippi?

NOTE: Number of the case of Chille-tah the parent of Tille-mah is number 209 listed on page 400 of the Choctaw Nation against the United States.

Q Now I have read you from the record the name of Tille-mah as it appearson page 400 of the Choctaw Nation against the United States colume one; are you able to swear that that person Tille-mah is your grandfather. A I will swear that that was his name.
Q But do you know that that is the identical person? A That is his name.
Q But can you swear that you know that that is the identical person who is your grandfather or do you simply think that it is? A I think it is..
Q You have no proof to show that now? A No sir except this man here; he's known us always and you can hear what he says.

Examination by A.S.McRea Attorney for applicant:

Q Do you know that the land that your mother lived on in Mississippi were the same lands of your grandfather Tillemah?
A Yes sir they lived right together- it was the same land.

Examination by the Commisson:

Q But you never saw any patent that was issued for land that belonged to Tillemah? A No sir.
Q And if you never saw any patent and if Tillemah received no land under the act of Congress approved August 23 1842 did you ever see any certificates or scrip issued to your grandfather? A No I never did.

Q Entitling them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know; I never seen nothing.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry of Indian and white blood; he shows more Indian than white and it would appear from his testimony that he gets Choctaw blood from his mother who was a full blood and from his father also and that would account for the fact that he shows more Choctaw than white blood but he makes no claim through his father, neither from his father's ancestry, any further than he believes that he has Choctaw blood. He has no knowledge of the Choctaw language---

Q You don't understand enough of the Choctaw language to talk with this man in Choctaw? A Not much.

He has a smattering of the Choctaw language but not sufficient to carry on a sustained conversation in that language, and no knowledge of compliance on the part of his his ancestors with article fourteen of the treaty of 1830 except that the name of his grandfather appears to be the same as a name spelled in the same way of a Choctaw Indian who received benefits as recorded in volume one Choctaw Nation against the United States in a list contained on page 400 of that volume.

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ANDERSON STULLIBY, being first duly sworn testified as a witness in the above entitled cause as follows:

Examination by the Commission:

Q What is your name? A Anderson Stulliby.
Q Where do you live? A I live close to Redoak.
Q Choctaw Nation? A Uhhuh.
Q How long have you lived there? A Four years, going on five.
Q Where did you live before that? A Newton County Mississippi.
Q Always lived in Newton County Mississippi until you went to Redoak? A Yes, sir.
Q You went straight from Newton County Mississippi to Redoak C Choctaw Nation? A Yes sir.
Q You are a full blood Choctaw are you? A Full blood.
Q You speak the Choctaw language? A Yes.
Q And also English? A Mighty little.

Q You speak better Choctaw than English? A I don't know; I cant tell you.
Q You don't speak very well in English? A Not much; talk some, though.
Q You would rather speak Choctaw wouldn't you? A Well I don't care; I just soon talk one ways as another.
Q What do you do down there? A Well, I haven't done anything much since I been there but renting land.
Q Do you know James R. Smith? A Yes.
Q How old are you? A About forty seven.
Q Got a family? A No, I haven't got but one boy.
Is your wife living? A No
Q Do you know James R. Smith? A Yes.
Q Did you know him before you came to the Choctaw nation Indian Territory? A Yes.
Q You knew him in Mississippi? A Yes.
Q In Newton County? A Yes.
Q He has come before the Commission now and he wants to be identified as a Mississippi Choctaw. A Uhhuh.
Q Is he a Mississippi Choctaw? A Yes.
Q Did you know his father and mother? A Uhhuh.

Examination by Mr. McRea, Attorney for applicant:

Q What was his mother's name? A Jane; some times called Jane and sometimes called Betsy -- two names- I don't know which might be saidas best.
Q Was she a full blood Choctaw Indian . A Yes.
Q Spoke the Choctaw language? A Yes; she was my grandma's connection.
Q How old would she be if living now? A I guess somewhere about sixty or sixty five, somewhere about that, would be if she was living.
Q Was she the daughter of Tillemah? A Yes, sir.
Q Did you ever see her father? A Yes .
Q Was he a full blood Choctaw? A Full blood Choctaw. No I never saw her father because I was young.
Q Do you know whether or not her father was a beneficiary or lived on government land in Mississippi? A He was living on government land as long as I knowed him; never had any land; lived on government land; died right there in the same place.
Q Do you know whether or not her father received any patent to that land ? A No, I'm satisfied my grandma and those full bloods has never had any land, just lived from one place to another in the pine woods; that's the reasn I know he never had land because if he had have had land he wouldn't do that.
Q You are talking about Tillemah; you never saw him. A No. Let me see.----
Q His grandfather. A Yes, I've seen that man all right.
Q He is the father of Nancy Jabe. A Yes.
Q Did you know his grandmother? A Jim's grandmother?
Q Yes. A Yes.
Q What was her name? A Becky.
Q Was she a full blood Choctaw Indian? A Yes..
Q Where was this land located? A Right there close to McLisha, all along there.
Q How old would his grandfather be if he was living now?
A Somewhere about eighty five years old.Getting old aged man if he was living by this time.

Q Was there any improvements on this land? A He had about as much as four or five acres; little patch.
Q Did Nancy Jane the mother of this applicant live on that land? A Lived with his Pa all that time.
Q Where did she die at? A In Newton County.
Q Did you know his father? A Yes.
Q What was his name? A Smith.
Q Did he have any Indian blood? A Right smart.
Q About how much? A Well I guess mighty near all Choctaw.
Q What was his other blood? A I don't know.
Q Was it white? A No it wasn't white. Just about the color of a Choctaw. Talked Choctaw.
Q Did he speak the Choctaw language? A O, yes.

Examination by the Commission:

Q How old did you say you were? A Forty seven -- about the fifteenth of June will be forty eight.
Q You were born about 1856? A Yes; somewhere about that.
Q That treaty of 1830 was made twenty six years before you were born? A Yes, I guess so.
Q Now I want to ask you if you know whether James R. Smith's grandfather Tillemah, who you say was living in Mississippi--
A Yes, I know him--the grandfather.
Q At first you said you didn't know Tillemah, his grandfather and afterwards you said you did know him; you did know him did you? A I know the old man.
Q Was he very old when you know him? A Yes pretty old.
Q Now then if you knew him, you don't know whether he had any rights or received any rights when he was a boy twenty six years before your birth, that is, in 1830; do you know anything about that? A I don't know.
Q What you do know is that you saw him in Mississippi and that he was living on some land and he had four or five acres cleared up and the rest wasn't cleared up? A Uhhuh.
Q How much land was it? A Not much land; just the pine wood.
Q How many acres? A About four or five open land.
Q And how much did he own? A No more than in the patch.
Q You knew his grandfather and knew he owned four or five acres of land? A Yes..
Q He didn't own any more? A No.
Q Do you know if he bought that land from somebody? A No..
Q You are sure he didn't own 160 acres? A No.
Q How did he look; did he look like a half breed or full blood?
A Full blood Choctaw.
Q Did you ever talk to him? A Yes, many times.
Q In the Choctaw language? A Yes..
Q And you talked to his wife Becky? A yes.
Q Did she speak Choctaw? A Yes.
Q Did she speak English? A No she didn't speak English at all.
Q Neither of them? A No.
Q Did you say you used to call his mother Betsy and Jane? A Yes the mother of this boy.
Q I'm talking now about the mother of James R. Smith. A We called he Betsy andJane.
Q Did you know her by the name of Nancy or Betsy? A Betsy Jane,
Q And some times Betsy Jane and some times Jane? A That's the way it goes. Sometimes we give just a kind of nick name.
Q Did his grandfather Tille-mah have an English name -- call him Joe or John or George or Dick? A No.
Q Just Tille-mah? A That's all I know.
Q Did Becky have a Choctaw name? A No, just Becky.

Q Where did they live the last time you saw them? A In Newton in that little pine wood.
Q In that little clearing? A Yes..
Q That's all they had? A Yes.
Q If Tillemah got any land from the government he might have sold all but four or five acres but you don't know whether he got it or not? A No.
Q you don't know anything about the treaty of 1830 do you?
A No..
Q You don't know about article fourteen of that treaty dd you?
A No sir.
Q You just know that when you were a boy in Mississippi you knew Tillemah and Betsy and that they were the grandfather and grandmother of James E. Smith. A Yes.
Q And you don't know whether either of them went before Colonel Wardthe United States Indian agent or any Commission there do you.
Q Did you ever hear of this man Ward in Mississippi? A No I don't believe I did.
Q He was the Indian agent wh had an office there in 1831 and he had to hear the complaints of Choctaw Indians and he had to register the names of thoseIndians who wanted to stay in Mississippi and who didn't want to go to the Choctaw Nation Indian Territory. A Uhhuh.
Q You never heard about that did you? A No.
Q Now is there anything more you can think of that you want to say for this application made by James E. Smith; what have you got to say about his father and mother; you knew them pretty well? A Yes I knew them pretty well.
Q Did his father John E. Smith live there where the old folks lived? A Yes; all round there in the same place.
Q Lived with his father in law? A Yes.
Q But John E. Smith-- did he have much Choctaw blood? A Right smart; pretty near full.
Q Did he speak the Choctaw language? A Yes.

Examination by A.S.McRea Attorney for applicant.

Q Now Anderson, the name of Tillemah appears upon the record now in the possession of the Commission in volume one page 400 Choctaw Nation against the United States, showing that he received benefits under article fourteen of the treaty of 1830 and that his rights were adjudicated by the Commission sent out by the Congress of the United States in 1842 and that there was a certificate of scrip issued to him for one hundred and sixty acres of land; now do you think that this is the same Tillemah that you knew? A Yes..
Q And that he, Tillemah, is the grandfather of the applicant James E. Smith? A Yes.

Examination by the Commission:

Q Now Anderson, you heard the question asked you by Mr. McRea the attorney for James E. Smith; I am going to ask you if you know the meaning of certain words in that question; do you know anything about article fourteen of the treaty of 1830?
A No, I don't know; I haven't got any education at all.
Q And you donit understand English very well? A No, sir.
Q And you don't know what an article in a treaty is, do you?
A No..
Q Do you know what a treaty is? A I've heard them talk of it way back there.
Q Do you know that it is? A Yes.

Q What is a treaty? A Why you mean the old treaty, way back yonder?
Q Yes. What do you understand it to be? A I know, but I cant tell it.
Q It's an agreement in writing between nations. Do you know what the word benefit is? A Yes.
Q Do you know what it means when anybody says "received benefits under that treaty"? A Yes.
Q What does it mean ? A A benefit is like anything else; a benefit is a benefit.
Q What does benefit under a treaty mean; you cant quite explain that can you? A Not much.
Q What does the word "adjudicate"mean ? A (No answer)
Q You don't know what that means do you? A No..
Q Do you know what "Congress" is? A Well, I never seen one but I've heard them talk of it.
Q You don't know what a Congress is do you? A No..
Q Do you know what a certificate of scrip is? A Something like money only different.
Q Do you think that scrip is money? A No, it aint money.
Q What is a certificate of scrip? A I cant say.
Q What does the word "issued" mean? A Is that an English word?
Q Yes, what does that word mean? A I don't know.
Q These are all hard English words and you don't understand them, do you? A Not much.
Q When that question was aksed you about whether Tillemah, the grandfather of this applicant was the same Tillemah whose name appeared in that book called a record, all those big words were used, and you had to understand the meaning of those words in order to understand that question. Now do you really know----- A Tillemah?
Q No, do you really know that his grandfather Tillemah is the same man whose name is spelled the same way and whose name is in the record so quoted, or do you just think it is because the names are the same? A No, I know it.
Q How do you know it? Did you ever hear of volume one of the Choctaw Nation against the United States, before now ? A I heard something like that, but I don't know what it is now.
Q you don't know much about that record do you? A No..
Q Do you know what a record is? A No.
Q Don't you see that you don't know very much about this and when you try to swear that Tillemah, the grandfather of this applicant is the same person whose name appears upon some record as a person who was a beneficiary under article fourteen of the treaty of 1830,and you don't know what that means , whose case was adjudicated, and you don't know what that means, by the Commission appointed by Congress, and you don't know what that means, under an act approved August 23, 1842, and you don't know what that means, you can be quite certain what you are swearing to.

A I know some few words.

Q But do you understand all those words so that you could swear positively that Tillemah whose name appears in that record is the grandfather of this applicant? A Well I know the man.
Q Isn't all you know, that you knew the man Tillemah and knew he was the grandfather of this applicant? A Yes.
Q And that he lived on land in Mississippi in Newton County and had four or five acres of cleared land? A About five acres I guess.

Anderson Stullby 73

Q And that's all he ever did have? A Yes.
Q And that's all he ever got from the government? A I don't know whether he got it from the government; it was public land.
Q Did he ever have any more land than that? A No, never had.
Q Now don't you see that the Tillemah whose name appears on that record page 400 received 160 acres of land, this record says; now do you think that that canbe the same one if his grand father only got four or five acres ; this other Tillemah got 160 acres. A I think it's the same man.

By A.S.McBea, Attorney for applicant:

I think he stated, Judge that if he had more he didn't know; he said he had cleared off four or five acres.

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(Witness excused.)

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the five Civilized Tribes she reported the above case on the 30th day of January 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 11th day of February 1903.

Charles H Lawyer

Notary Public.

DEPARTMENT OF THE INTERIOR. COPY.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of James R. Smith, et al., for identification as Mississippi Choctaws, consolidating the applications of:

James R. Smith, et al.,	M.C.R. 6640
William H. Reeves,	M.C.R. 6990
Wayne W. Cox, et al.,	M.C.R. 6988
George Hill	M.C.R. 6995
James Willie Hill,	M.C.R. 6763
John M. Hill,	M.C.R. 6994

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by James R. Smith for himself and his six minor children, Lee, Etta, Allie, Armetta, Edna and Ruthenia Smith; by William H. Reeves for himself; by Wayne W. Cox for himself and his minor child, Ethel G. Cox; by George Hill for himself; by James Willie Hill for himself; and by John M. Hill for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants either of Cheletah (or Chilletah), through a less remote ancestor bearing the name of Tillemah (or Tollemah), or Becky, or Chikotah, all of whom are alleged to have been full blood Choctaw Indians, and to have resided in Mississippi in eighteen hundred and thirty; or John Enoch Smith, who is alleged to have been a Choctaw Indian, degree of blood not positively stated, or Jerry Hill, who is alleged to have been an one-quarter blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Cheletah appears on pages 68, 71 and 100, of Volume VII, American State Papers, Public Lands, and that the name Chillatah appears on page 106 thereof, in lists of names of Choctaw Indians, heads of families who resided in Mushulatubbe's and Greenwood Leflore's districts in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The names Cheletah and Chillatah also appear on pages 124 and 136 respectively of said Volume in

lists of claims allowed apparently under the nineteenth article of said treaty in Mingo Mushshulatubbee's and Greenwood Leflore's districts. The records above referred to in no way relate to or show any compliance or attempted compliance upon the part of the persons therein named with the provisions of the fourteenth article of the treaty of "Dancing Rabbit Creek."

It is further found that the name Chilleta appears on page 249, the name Chilletah on pages 400, 417 and 419, the name Tillemah on page 400, and the name Becky on pages 220 and 279, of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, and the name Chilita on page 941 of Volume II of said record in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of "Dancing Rabbit Creek," but it does not appear that the ancestors through whom these applicants claim are identical with any of the persons mentioned in the record above cited.

It further appears from the records in the possession of the Commission, that persons bearing the names of Becky, Beckey, Chilletah, Tillemah and Chilleta received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek," but there is nothing in the testimony of the applicants herein which would tend to show that the persons who received such scrip are identical with any of the persons through whom these applicants claim.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Chelstah (or Chilletah), or

Becky (nee Tillemah), or Tillemah (or Tellemah), through whom these applicants claim, or Chikotah, or John Enoch Smith, or Jerry Hill, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James R. Smith, Lee Smith, Etta Smith, Allie Smith, Armetta Smith, Edna Smith, Ruthenia Smith, William H. Reeves, Wayne W. Cox, Ethel C. Cox, George Hill, James Willie Hill and John M. Hill, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.

(SIGNED) C. R. Breckinridge.

(SIGNED) W. E. Bailey

Muskogee, Indian Territory,
MAR 15 1904.

Muskogee, Indian Territory, February 26, 1900.

Mr. James R. Smith,

Stigler, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of February 22, addressed to the United States Indian Agent at Muskogee, which has been by him referred to this Commission. With your letter you inclose a certificate of your marriage to Miss Mollie Vowell and a statement by James Keene and I. N. Todd certifying that you are a member of the Choctaw tribe of Indians, and the same have been duly filed with the records of this Commission.

In regard to the enrollment of your child, born October 22, 1899, there is inclosed you herewith a blank application for the enrollment of infant children. Have the affidavit of the mother and the attending physician of course taken before some Notary Public, who must sign and affix his notarial seal to both of the affidavits, and in case either of these signatures is made by mark, it will be necessary to have it witnessed by two disinterested parties. Upon the return of this application to the Commission, the enrollment of your child will receive further consideration.

Choctaw D 226.

Yours truly,

B.C.

Acting Chairman.

Muskogee, Indian Territory, March 22, 1900.

Mr. James R. Smith,

Stigler, Indian Territory,

Dear Sir:

The Commission is in receipt of an application for enrollment as a citizen of the Choctaw Nation of James Miland Humlard Smith the infant son of James R. and Mollie Smith; also the additional affidavit of Mollie Smith, correcting the date of the birth of the child as given in the original application as October 3, to October 22, 1899. This additional affidavit of Mollie Smith has never been acknowledged, and both the original and supplemental affidavits are returned to you herewith for the purpose of executing a new and correct application to supply the place of this defective one. The application states that James R. Smith is a citizen of the Choctaw Nation by blood and that Mollie Smith is a citizen by intermarriage, but the records of this Commission fail to disclose the names of such parties as having been listed for enrollment in the Choctaw Nation. Before this application can be filed, it will be necessary that your claims to enrollment be fully substantiated, and in order to do so, you are requested to furnish the Commission with the time and place that you appeared before the Commission as applicants for enrollment, the ages of yourself and wife, your wife's maiden name, the name of the other members of your family, and any other information that may

J. R. C. 2.

lead to your identification as rightful claimants for enrollment in the Choctaw Nation. Upon the receipt of the new application in proper form, and the information as to your application for enrollment, the matter will receive further consideration.

Yours truly,

Acting Chairman.

Inclosure-5-22.

B.C.

Muskogee, Indian Territory, April 4, 1900.

Mr. James R. Smith,

Stigler, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of March 31, giving information as to the names and ages of your wife and children and as to their application for enrollment before this Commission, and the same has enabled the Commission to identify you as being duly listed for enrollment in the Choctaw Nation. If you will now forward the Commission the application for enrollment of James Willand Hubbard Smith, your infant son, in proper form, the matter will receive further consideration.

Yours truly,

Acting Chairman.

In replying to this letter,
please refer to Choctaw D 326.

Muskogee, Indian Territory, May 14, 1900.

Mr. James R. Smith,

Stigler, Indian Territory.

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of James Noland Mumlard Smith, the infant son of James R. and Mary Smith. Our records show that on June 13th, 1899, the Commission heard your testimony as an applicant for identification as a Mississippi Choctaw, and on that date you were duly listed by this Commission as such. The application for the enrollment of your child will, therefore, be treated as an application for identification as a Mississippi Choctaw, and as such the same has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

In reply to this letter,
please refer to 7 D 286.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., September 18, 1900.

Mr. James R. Smith,

Iron Bridge, Ind. Ter.

Dear sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Lee, Etta, Allie, Armitta, Edna and James N.H. Smith, as citizens of the Choctaw Nation.

The objection raised is that you have never been admitted to citizenship by the Choctaw Nation.

The Commission is in possession of a sufficient state ment of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900, when the Commission will hold a session at said place.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901 and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

7-D-226

Acting Chairman.

Muskogee, Indian Territory, December 3, 1900.

J. R. Smith,

Stigler, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of recent date enclosing the depositions of Anderson Stallaby and James Stallaby offered by you for filing in the matter of your application for enr[illegible]ent and the enrollment of your children as citizens by blood of the Choctaw Nation.

The same have been duly filed with the other papers in your case and will receive the consideration of the Commission in the disposition of your case and the case of your children.

The Commission cannot inform you as to what evidence it will be necessary for you to produce to be enrolled as citizens of the Choctaw Nation but will carefully consider any testimony that you may orally present to the Commission at its session in Atoka of which you were duly notified by the Commission on September 10th, 1900.

While it may be true that you are a Choctaw by blood, the objection that is now being offered to your enrollment by the representatives of the Choctaw Nation, is for the reason that you have never been acknowledged by the tribal authorities of the Choctaw Nation in the Indian Territory as citizens or been placed upon any of their tribal rolls. Neither have you been admitted to citizenship either by the Choctaw tribal authorities or by this Commission

or by the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission.

Yours truly,

Acting Chairman.

7-D-226

Commissioner in Charge.

7 D 226

Muskogee, Indian Territory, April 22, 1902.

James R. Smith,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Clide Rufeaney Smith, infant daughter of James R. and Mary E. Smith, born November 2, 1901.

Our records show that on June 13, 1899, the Commission heard your testimony as an applicant for identification as a Mississippi Choctaw and on that date you were duly listed by this Commission for identification as such. The application for the enrollment of your child will therefore be treated as an application for identification as a Mississippi Choctaw, and as such the same has been duly filed with the records of the Commission.

Yours truly,

M C R 626
M C R 630
Choc-S- 226

Muskogee, Indian Territory, August 9, 1902.

J.S. Stigler,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., in which you desire to be informed if W.E. Hacker or his children are enrolled as citizens of the Choctaw Nation. You also ask information concerning J.R. Smith's application as a Mississippi Choctaw.

In reply, you are informed that the records of the Commission show that Beulah M. Hacker, residence South McAlester, Indian Territory, wife of William E.Hacker, is an applicant for the identification of herself and her minor children, Ida Agnes, Elga Delilah, Jodie Emer and Otto F. Hacker, as Mississippi Choctaws; and that James R. Smith, residence Iron Bridge, Indian Territory, is also an applicant for the identification of himself and his minor children, Lee, Etta, Ellis, Arnetta, Edna and James Wilond Munlard Smith as Mississippi Choctaws.

No decision has been reached nor opinion rendered

J S S S

Relative to the right of these persons to be identified as Mississippi Choctaws. Their present status is that of applicants whose right to identification as Mississippi Choctaws has in no manner been determined.

Yours truly,

Acting Chairman.

7-D-228.

Muskogee, Indian Territory, December 18, 1902.

J.R. Smith,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit and that of Alonzo Horn relative to the death of your son, James Miland Smith, a citizen by blood of the Choctaw Nation, which occurred October 14, 1900; and the same being in proper form have been duly filed with the records of the Commission, as evidence of death of the above named person.

Respectfully,

Acting Chairman.

Choc-D-928.

Muskogee, Indian Territory, August 21, 1902.

James R. Smith,

Iron Bridge, Indian Territory.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that you made personal appearance before said Commission at a session thereof held at Spiro, Indian Territory, June 12th to 15th inclusive, 1899, and applied for the enrollment as citizens by blood of the Choctaw Nation of yourself and your minor children.

At that time you testified that you derived your Choctaw blood from your mother, Jane Smith, who lived in Winston County, Mississippi; that you had always resided in the State of Mississippi until your removal to the Choctaw Nation in Indian Territory in 1897.

It does not appear that any application has been made for the identification of yourself and minor children as Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Article fourteen of the Choctaw treaty of 1830, referred to in the above legislation, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission in determining the right of persons to be identified as Mississippi Choctaws requires that the applicants reasonably demonstrate that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted or were subsequently adjudicated beneficiaries by either of the two

Commissions authorized for this purpose by the acts of Congress approved March 3, 1837, and August 23, 1842.

The Assistant Attorney General for the Interior Department, in an opinion of December 3, 1901, defining the power of this Commission to identify so called Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, used the following language:

> "There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty'."

It would, therefore, in order for yourself and minor children to obtain rights as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, be necessary to show that the least remote of your ancestors, who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Department of the Interior and of this Commission require that applicants for identification as Mississippi Choctaws who are over the age of twenty-one, or who are married, make personal appearance for examination under oath, when a proper record is made of their case. Parents may apply for their minor children.

J R S 4

If you desire to present an application to this Commission for the identification of yourself and your minor children as Mississippi Choctaws, you will be heard upon your personal appearance at the office of the Commission at Muskogee, Indian Territory.

In view of the probability of some early date being fixed or agreed upon terminating the time in which the Commission can receive and consider applications of this character, it is suggested that if you intend to make application you do so as early as practicable.

Yours truly,

Acting Chairman.

7-D-226.

Muskogee, Indian Territory, January 17, 1903.

J.R. Smith,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., in which you ask how you can get an allotment; in which you say you write to inquire concerning your right as a Mississippi Choctaw; that you went before the Commission at Spiro, Indian Territory, three years ago and made application for enrollment of yourself and family.

In reply, you are advised that it appears from our records that you made personal application before this Commission at a session thereof held at Spiro, Indian Territory, June 12 to 15 inclusive, 1899, and applied for the enrollment as citizens by blood of the Choctaw Nation of yourself and your minor children.

At that time you testified that you derived your Choctaw blood from your mother, Jane Smith, who lived in Winston County, Mississippi; that you had always resided in the State of Mississippi until your removal to the Choctaw Nation in Indian Territory in 1887.

J R S 2

It does not appear that any application has been made for the identification of yourself and minor children as Mississippi Choctaws, under the provision of the act of Congress approved June 28, 1898, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that the applicants

reasonably demonstrate that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, used the following language:

> "There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants who are over twenty-one years of age, or who are married,

must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their cases. Parents and guardians may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides:

> "The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, I.T.
Sept 19. 1903

Return of Comm'ds Div Inds. one copy
of testimony of applicant in McR 6620
Jane Rynick et al

U.S. McRa,

M.C.R. 6640.

Muskogee, Indian Territory, April 23, 1903.

The Commissioner

of Indian Affairs.

Sir:

It appears from an examination of the record in the consolidated case of James R. Smith, et al., M.C.R. 6640, that the applicants therein claim rights in the Choctaw lands under article fourteen of the treaty of 1830, by reason of being descendants of Becky, Chilletah, Chilleta and Tillemah; and it is found in a list of names of Choctaw Indians to whom scrip was issued under article fourteen of said treaty that persons bearing said names received such scrip. The name Becky appears on pages 4 and 196, Beckey on page 39, Chilletah on page 48, Chilleta on page 184 and Tillemah on page 49 of said list as prepared by the Indian Office.

In an affidavit made by one Dinah Hill in behalf of her son, J. W. Hill, one of the applicants herein, she sets forth: "That she is a full-blood Mississippi Choctaw Indian and is the daughter of Tillemah and Becky who were both full-blood Mississippi Choctaw Indians, who lived and died in Newton Co. Miss; that her said father, Tillemah, if now living, would be over 80 years of age and that he lived on 160 acres of land, on which he had some small improvements. This land lay in Newton Co., Miss. some 40 miles North-

west of Meridian, Mississippi. That her father, Tillemah, came in possession of the said 160 acres of land by virtue of a certificate of scrip issued to him in the year 1842 by the United States Commission of August 23 of that year. Affiant further states that she is now in her 60th year and gleans her information from what she herein sets forth, from her said father, Tillemah (now deceased); that the name of her grand-father was Chille-tah; that her said father, Tillemah, and her mother, Becky, had four children, viz: Nancy Jane, Dinah, Wesley and Checotah; that she was married to her husband, Jerry Hill (deceased), forty years ago in Mississippi; that her said husband, Jerry Hill, was 1/4 Choctaw Indian and 3/4 Creole."

It is, therefore, respectfully requested that the records of your office, relating to the said Becky, Beckey, Chilletah, Chilleta and Tillemah, to whom such scrip was issued, be forwarded to this Commission for use in the determination of this case.

Respectfully,

Chairman.

M.C.R. 6640

Muskogee, Indian Territory, August 25, 1903.

W. T. Stewart,

Stigler, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 18, relative to the application of James F. Smith for identification as a Mississippi Choctaw and the information contained therein has enabled the Commission to locate him as an applicant for the identification of himself and his children as Mississippi Choctaws. No decision, however, has yet been reached relative to their rights to such identification. As soon as a decision is rendered in this case the applicants will be notified of the action of the Commission.

Respectfully,

Chairman.

M C R 6640

Muskogee, Indian Territory, September 17, 1903.

G. A. Holley,

Attorney at Law,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask the status of the Mississippi Choctaw case of James R. Smith, et al.

In reply you are informed that it appears from our records that James R. Smith made application to this Commission for the identification of himself and six minor children as Mississippi Choctaws. No decision has yet been rendered relative to the right of these applicants to such identification. As soon as a decision is rendered they will be duly notified thereof.

Respectfully,

Chairman.

M C R 6640

Muskogee, Indian Territory, December 1, 1903.

W. T. Stewart,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th ultimo, relative to the application of James R. Smith, et al. for identification as Mississippi Choctaws. You state that Mr. Smith has two very well improved farms, and ask if he would lose his improvements should his application be rejected.

In reply you are informed that it appears from our records that James R. Smith made application to this Commission for the identification of himself and children as Mississippi Choctaws, but as yet no decision has been rendered relative to his right to such identification. His status at present is that of an applicant for identification as a Mississippi Choctaw whose right to such identification has in no manner been determined.

If James R. Smith, without being recognized as a member of the Choctaw tribe of Indians, has voluntarily erected upon the public domain of that Nation, improvements not made under a lease with a recognized citizen, and his application for the identification of himself and children as Mississippi Choctaws should be

finally denied by the Department, it is not believed that he would be entitled to any compensation for such improvements.

Respectfully,

Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
M C R 6994

Muskogee, Indian Territory, April 6, 1904.

John M. Hill,

Greenwood, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James R. Smith et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R.6640
M.C.R.7361

Muskogee, Indian Territory, April 18, 1904.

G. A. Holley,

Attorney-at-Law,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 8, 1904, in which you ask "has J. R. Smith's claim to allotment been approved or rejected, also Mrs. Melvinie Folsom." You further ask if it is too late to take up the case of Will Owens.

In reply to your letter you are informed that on March 15, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of James R. Smith, et al., refusing the applications of the several persons included therein. On April 6, 1904, the several applicants were notified of the action of the Commission, and that they would be allowed fifteen days from the date of said notice within which to file arguments in support of their claim. At the expiration of the fifteen days heretofore granted the applicants herein, the record in this case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior.

The several applicants included in the consolidated Mississippi Choctaw case of James R. Smith, et al., will be

notified when Departmental action is taken in their case.

Relative to the Mississippi Choctaw case of Will Owens, you are advised that on November 16, 1903, the record in the consolidated Mississippi Choctaw case of William Eli Owens, et al., together with the decision of the Commission refusing the applications of the several persons included therein, was forwarded to the Secretary of the Interior. Pending action thereon by the Secretary of the Interior, the Commission is without authority to receive or consider any further evidence in support thereof.

You are further advised that it does not appear from our records that any person by the name of Melvinie Folsom is an applicant to this Commission for enrollment as a citizen or a freedman of the Choctaw or Chickasaw Nation or for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

M.C.R.6640

Muskogee, Indian Territory, April 26, 1904.

W. T. Stewart,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask to be advised the status of the Mississippi Choctaw case of James R. Smith, et al. You state that Mr. Smith has improvements on certain land and desires to be advised relative to his rights to hold land.

In reply to your letter you are informed that it appears from our records that on April 22, 1904, the record in the consolidated Mississippi Choctaw case of James R. Smith, et al., together with the decision of the Commission refusing the applications of the several persons included therein, was forwarded to the Secretary of the Interior. When the Commission is advised of Departmental action in this case, the several applicants will be duly notified thereof.

Relative to James R. Smith's holding land in the Choctaw-Chickasaw country, you are advised that it is not believed that he is at this time, in any manner entitled to possessory rights

W. T. S., 2.

of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Commission to the Five Civilized Tribes,

Spiro, Indian Territory.

In the enrollment of James R Smith as Choctaw by blood ; being sworn and examined by Com.McKennon he testifies:

James R. Smith, forty years old.

Q You say that you are a half-breed Choctaw Indian?

A Yes sir.

Q Was your mother a full-blood Choctaw? A Yes sir.

Q And your father? A My father was a white man.

Q Where did they live? A In Winston County, Mississippi.

Q When did you come to the Choctaw Nation? A Two year ago in April; in April, 1897.

Q From the State of Mississippi? A Yes sir.

Q Had you always resided in the State of Mississippi? A Yessir.

Q Do you speak the Choctaw language? A I can talk it some,but my mother died when I was small.

Q But you speak good English? A Yes sir.

Q You have never been recognized as a citizen of the Choctaw Nation here? A No sir.

(Capt.McK: Appears to be, as he claims, a half-breed Indian My mother was a full-blood Choctaw, my father a white man. My wife is a white woman.

Q Were you lawfully married to her in the State of Mississippi?

A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes

M D Green

C O P Y.

INDIAN TERRITORY, :
:
CENTRAL DISTRICT, :
:
TOWN OF RED OAK. :

The Deposition of James Stallaby taken on the 22nd day of November A.D. 1900, between the hours of 8 o'clock A.M. and 6 o'clock P.M. at the Mayor's Office in the Town of Red Oak, Ind. Ter. to be read as evidence in an action between the Choctaw Nation, Plaintiff, and James R. Smith, Defendant, Pending before the Dawes Commission.

I, James Stallaby, state on my oath that I have personally known James R. Smith for the past thirty-six (36) years, and further state that I know him to be 3/4 Choctaw Indian by blood, and also a member of the Choctaw Indian Tribe.

(Signed) James Stallaby his + mark.

Attest.

C.C. McCarty.

Sworn to and subscribed before me this 22nd day of November, A.D. 1900.

(Signed) Henry C. Elliott,

Mayor and Ex Com.

(SEAL)

Endorsed: Choctaw Natinn vs James R. Smith, Deposition.

Department of the Interior,
Commission to the Five Civilized Tribes,
F I L E D
Nov. 28 1900
Tams Bixby, Acting Chairman.

C O P Y.

INDIAN TERRITORY, :
CENTRAL DISTRICT, :
TOWN OF RED OAK. :

The Deposition of Anderson Stallaby, taken on the 22nd day of November A.D. 1900, between the hours of 8 o'clock A.M. and 6 o'clock P.M. at the Mayor's Office in the Town of Red Oak, Ind. Ter. to be read as evidence in an action between the Choctaw Nation, Plaintiff, and James R. Smith, Defendant, Pending before the Dawes Commission.

I, Anderson Stallaby, state on my oath that I have personally known James R. Smith for the past thirty-five (35) years, and further state that I know him to be 3/4 Choctaw Indian by blood, and also a member of the Choctaw Indian Tribe.

his
(Signed) Anderson+Stallaby,
mark.

Attest. C.C. McCarty.

Sworn to and subscribed before me this the 22nd day of November, A.D. 1900.

(Signed) Henry C. Elliott,
Mayor and Ex Com.

SEAL.

Endorsed: Choctaw Nation vs James R. Smith. Deposition.
Department of the Interior,
Commission to the Five Civilized Tribes,
F I L E D
NOV 28 1900
Tams Bixby, Acting Chairman.

Copy

STATE OF MISSISSIPPI

WINSTON COUNTY.

Circuit Clerk's Office said County.

This is to certify that Mr. Jim Smith and Miss Mollie Vowell were married on the 18th day of September 1885 as pr Marriage Record in my office.

Given under my hand seal of office this 15th day of January 1900.

(Signed) Thos. P. Metts,

Clerk.

SEAL.

ENDORSED: RECEIVED
FEB 23 1900
Office of U.S. Indian Agent,
Muskogee, Ind. Ter.

(Copy)

STATE OF MISSISSIPPI,
WINSTON COUNTY.

We, the undersigned, do hereby certify that Mr. James Smith is of the Choctaw tribe of Indians he was borned and raised in the State of Miss. Newton County.

(Signed) James Keen his + mark.
J.M. Todd.

P.S. I do hereby certify that Miss M.E. Vawell is the same identical person of Mollie Vowell.

(Signed) Vinyard Vawell.

Endorsed:

RECEIVED
FEB 23 1900
Office of U.S. Indian Agent,
Muskogee, Ind. Ter.

IN RE

Application for Enrollment of

INFANT CHILD

Niland Humlard Smith

as a citizen of the

Choctaw *Nation.*

Approved MAY 17 *190* 0

A.S. McKennon

Commissioner.

Identification as a

Mississippi Choctaw.

FILED
MAY 14 1900
COMMISSION TO FIVE
TRIBES.

Choc. D 226

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of James Niland Humlard Smith, born on the 5 day of Oct. 1899, ~~1898~~

(Here insert name of child.)

Name of Father: James Roton Smith, a citizen of the Choctaw Nation.

Name of Mother: Mary E. Smith, a citizen of the Choctaw Nation.

Post-Office: Stigler, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Mary E. Smith, on oath state that I am 35 years of age and a citizen, by intermarriage, of the Choctaw Nation; that I am the lawful wife of James Roton Smith, who is a citizen, by blood, of the Choctaw Nation, that a male (Male or female.) child was born to me on the 5 day of Oct. 1899 ~~1898~~; that said child has been named James Niland Humlard Smith, and is now living.

Mary E. Smith her + mark.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Geo. W. Sims

J.M. Young

Subscribed and sworn to before me this 14 *day of* April *190*0.

SEAL

J.S. Stigler

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, J.C. Rumley, a physician, on oath state that I attended on Mrs. Mary E. Smith, wife of J.R. Smith, on the 5 day of Oct. 1899, ~~1898~~; that there was born to her on said date a male (Male or female.) child; that said child is now living and is said to have been named James Niland Humlard Smith.

J.C. Rumley, M.D.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 17 *day of* April *190*0.

Seal.

John Degen,

Notary Public.

For identification as a
Mississippi Choctaw.
CHOCTAW 20 INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Clide Rufeany Smith

as a citizen of the

Choctaw

Nation.

Approved APR 22 *1902*

P.B. NEEDLES

Commissioner.

Department of the Interior,
Commission to the
Five Civilized Tribes.
FILED
APR 22 1902
Tams Bixby, Acting Chairman.

Choctaw D-226

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Clide Rufeaney (Here insert name of child.), born on the 20 day of Nov, 1901

Name of Father: James Raten Smith, a citizen of the Choctaw Nation.

Name of Mother: Mary Elizabeth Smith, a citizen of the Choctaw Nation.

Post-Office: Stigler, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Mary Elizabeth Smith, on oath state that I am 36 years of age and a citizen, by marriage, of the Choctaw Nation; that I am the lawful wife of James Raten Smith, who is a citizen, by blood, of the Choctaw Nation, that a female (Male or female.) child was born to me on the 2d day of November 1901; that said child has been named Clide Rufeaney, and is now living.

her
Mary + Elizabeth Smith
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) A.A. Holmes

J.S. Stigler

Subscribed and sworn to before me this 18th *day of* April 1902.

Seal.

David W. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, L.K. Stephens, a M.D., on oath state that I attended on Mrs. Mary Elizabeth Smith, wife of James Raten Smith, on the 2d day of November, 1901; that there was born to her on said date a female (Male or female.) child; that said child is now living and is said to have been named Clide Rufeaney.

L.K. Stephens, M.D.

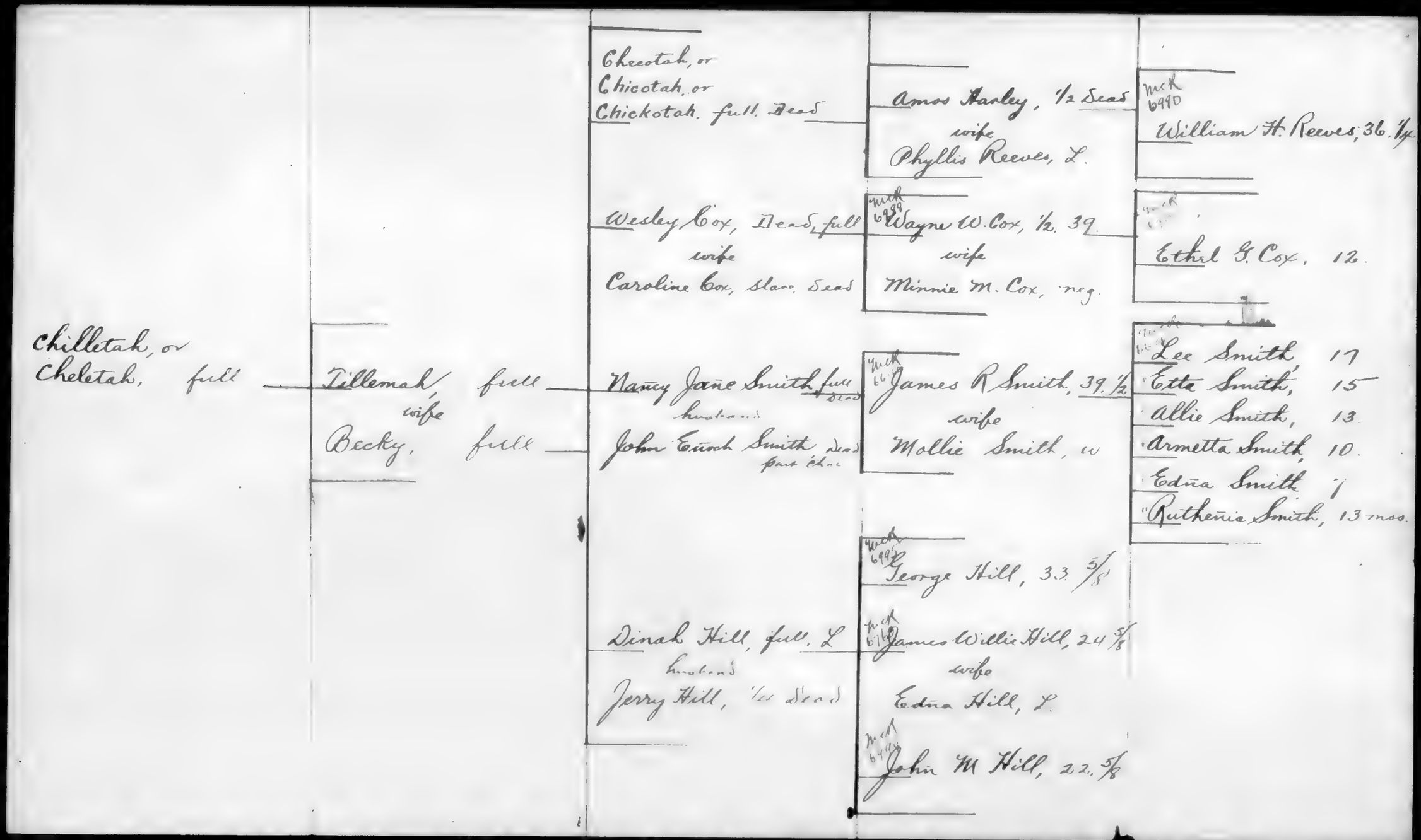
WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 18 *day of* April 1902.

Seal.

David W. Brown
Notary Public


Chilletah, or
Cheletah, full
Tillemah, full
wife
Becky, full
Cheeotah, or
Chicotah, or
Chickotah, full, Dead
Wesley Cox, Dead, full
wife
Caroline Cox, slave, Dead
Nancy Jane Smith, full
husband
John Enoch Smith, dead
Dinah Hill, full, L
husband
Jerry Hill, 1/8 Dead
Amos Harley, 1/2 Dead
wife
Phyllis Reeves, L.
Wayne W. Cox, 1/2, 39.
wife
Minnie M. Cox, neg.
James R Smith, 39. 1/2
wife
Mollie Smith, w
George Hill, 33. 5/8
James Willie Hill, 24 5/8
wife
Edna Hill, L
John M Hill, 22, 5/8
McK 6990
William H. Reeves, 36. 1/8
Ethel G. Cox, 12.
Lee Smith, 17
Etta Smith, 15
Allie Smith, 13
Armetta Smith, 10.
Edna Smith, 7
Ruthenia Smith, 13 mos.

No. 6610

For Identification as a Mississippi Choctaw.

Date JAN 30 1903

Name James R. Smith

Age 39 — Blood 1/2

Post Office. Stigler. I.T.

Father: John E. Smith, d

Mother: Nancy J. " d

Claims through mother — full.

Wife.

Mollie Smith C.W.

No claim for wife

Children.

Lee Smith,			17
Etta	"		15
Allie	"	F	13
Armetta	"	F.	10
Edna	"	F	7
Ruthenie	"	F.	13 m.

Claims for self and children.

See Choc 2. 226. —

Stenographer Clara Mitchell Wood

MEMORANDUM.

Choctaw Case No. N 226

Date DEC 23 1902

Name James R Smith

Age

Post-Office:

Children:

Write miss
Choc letter

Stenographer

1457

RIANNA, I
25
MAY
12304M
1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 5 1904

CHAIRMAN

MISS. DELTA R

Reg 496
F 496

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

MUSKOGEE, IND. TER.
APR 7 1904
REGISTERED

Forwarded 526

John M. Hill.

Mariama Ark

Choctaw MCR 6641

Daniel T. Bench

MCR 6641

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Daniel T. Bench, for identification as a Mississippi Chootaw-M.C.R. 6641.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of Daniel T. Bench to the Dawes Commission for identification as a Mississippi Chootaw----------	1
Decision of the Commission refusing the application of Daniel T. Bench for identification as a Mississippi Chootaw----------	8

----o----

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

MCR 6641

------oOo------

In the matter of the application of Daniel T. Bench for identification as a Mississippi Choctaw.

SUPPLEMENTAL DECISION.

On March 15, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing the application made by Daniel T. Bench for identification as a Mississippi Choctaw. The record in the case, together with the decision of said Commission, was, on April 22, 1904, transmitted to the Secretary of the Interior.

The Secretary of the Interior on June 20, 1905 (I T D 10654-1904, 536-1905), reversed the decision of the Commission to the Five Civilized Tribes of March 15, 1904, and directed that the applicant, Daniel T. Bench, be identified as a Mississippi Choctaw Indian.

In conformity with the instructions of the Secretary of the Interior of June 20, 1905, the decision of the Commission to the Five Civilized Tribes of March 15, 1904, refusing the application of Daniel T. Bench for identification as a Mississippi Choctaw is rescinded, set aside and held for naught, and it is hereby ordered that the applicant, Daniel T. Bench, in conformity with the instructions of the Secretary of the Interior, be identified as a Mississippi Choctaw.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JAN 1 [illegible]

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, January 31, 1903.

In the matter of the application of Daniel T. Bench for identification as a Mississippi Choctaw.

Daniel T. Bench being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Daniel T. Bench.
Q What is your age Mr. Bench? A I'm fifty five, going on fifty six.
Q What is your post office address? A Deluce Arkansas.
Q Is your father living? A No, sir, he's dead.
Q Is your mother living? A No, sir.
Q How long have you lived at Deluce Arkansas? A I've been there about nine years I reckon.
Q Where did you live before that? A I lived in the Indian Territory.
Q Where in the Indian Territory? A It's Jackson County now; it used to be Kiamitia County.
Q Is that in the Choctaw Nation? A Yes, sir.
Q How long did you live there before you went to Arkansas?
A I was raised there until I went to Arkansas.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A I dont know that.
Q How long did you live in Mississippi? A I dont know that either because I was about a year old when we came to the Choctaw Nation.
Q Did you come to the Choctaw Nation from Mississippi?
A Yes sir.
Q And you were about a year old then? A Yes, I was a baby; I dont know how old.
Q And you lived in the Choctaw Nation Indian Territory until you went to Arkansas? A Yes.
Q What was your father's name? A Charles Bench.
Q What was your mother's name? A Katie was her given name.
Q Katie Bench? A Yes sir.
Q Do you claim your Choctaw blood through your mother?
A Yes sir.
Q How much do you claim? A One fourth.
Q Was she one half Choctaw blood? A Yes sir.
Q Did your mother ever live in the Choctaw Nation Indian Territory? A Yes sir she lived there until she died, in the Choctaw Nation.
Q Was she ever recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory?
A I cant tell whether she was or not.
Q Her name doesn't appear upon any rolls does it?
A I reckon not.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir
Q What is her name? A Eliza Bench; she's a cousin of mine
Q You say she was your cousin? A Yes sir.
Q You married your cousin then did you? A Yes sir.

Q What was her maiden name? A Bench.
Q Do you claim any Choctaw blood for her? A No, sir..
Q Is she a white man? A She's a white woman.
Q Have you any children you want to make application for?
A No sir.
Q You claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A They found my name here; I drew annuity in '93; they foundmy name here on the rolls of the Commission.
Q You drew an annuity from the Choctaw Nation in 1893? A Yes.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, I never have.
Q Have you ever made any application to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q You never did make any application at all did you? A No sir
Q Never appeared before the Commission at any place? A No sir, this is the first time.
Q This is your first application for citizenship in the Choctaw Nation before any authority whatever? A Yes sir..
Q You never have been admitted to citizenship in the Choctaw Nation by any authorities have you up to the present time either by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United StatesCourt in the Indian Territory? Have you been recognizedas a citizen by the Choctaw tribe of Indians? you have not been recognized by the council have you ? A Well, no, I reckon not, but then I was recognized of course as a citizen before I left there, I was a Choctaw citizen?
Q You have been recognized in this way; the Choctaw Indians, your neighbors would all look upon you as a Choctaw citizen.
A Yes, and furthermore , I've been on the grand jury - that is the petit jury there in court.
Q But you haven't been placed on the rolls of the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory have you? A No sir
Q And for that reason you come before the Commission now to be identified as a Mississippi Choctaw in order that you may have rights as a citizen? A Yes sir.
Q Do you claim that right under article fourteen of the treaty of 1830? A Well I don't understand it.

The United States government and the Choctaw Indians made a treaty in 1830 which treaty was signed on the 27th day of September of that year; the object of this treaty was to get the consent of the Choctaw Indians to go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory where the Indians might carry on their tribal government undisturbed; a good many Indians however refused to go under that treaty to the Choctaw Nation Indian Territory preferring to stay back in the old Choctaw Nation; some provision had to be made for those Indians who stayed back in the old Choctaw Nation and these provisions are contained in article fourteen of the treaty of 1830; that article was put into the treaty for the special benefit of Choctaw Indians who are called Mississippi Choctaw Indians and is the article under which you make your claim today and is as follows:

" Each Choctaw head of a family being desirous to remain and

become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctawcitizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestor through whom you make this application today; I mean your grandfather or grandmother or great grandfather or great grand mother- whoever it is you claim through. A I claim through my mother and her people was all Indians.

Q Give me the name of somebody ? A Well my mother was Katie Crowder; Crowder was a white man but her mother - I cant tell her given neme; she was a Durant; but I cant call her given name.

Q Did she marry a man named Durant or was that her maiden name?
A My grandfather's first wife was a Durant.
Q Then this name Durant of your grandmother is her maiden name? A Yes.
Q And she married a man named Crowder? A Yes sir.
Q What was his full name? A Eli Crowder.
Q And this Miss Durant your grandmother whose Christian name you dont know married Eli Crowder and upon her death he married another woman? A Patsy Goins.
Q She had no Choctaw blood? A Yes, sir had Choctaw blood.
Q But you are not related to her? A Not related to her.
Q Was Eli Crowder a white man? A Yes sir.
Q Are you able to tell anything about the parents of Eli Crowder's first wife, your grandmother? A No sir.
Q And you dont know her Christian name? A No sir.
Q All the name you know is that before marriage she was Miss Durant and married Eli Crowder? A Yes.
Q Did she live in Mississippi in the old Choctaw Nation in 1830 and was she married there at that time; in other words was she the head of a family there then? A I dont know that far back when she was in Mississippi; I cant tell.
Q Did she ever live in Mississippi - Eli Crowder's wife?
A He married his first wife Durant in Mississippi so I was told.
Q Do you know when they married? A No sir.
Q Was it over seventy three years ago do you know? A I dont know.
Q What do you think about that, if she was married to Eli Crowder in Mississippi in 1830 or any time before that, what do you think about it, or what do you know? A Well You see when I came from Mississippi -- I dont know anything about Mississippi.
Q You don't know but you might have heard somebody in the family say whether she was married in Mississippi before 1830 or not.
A I dont know.

Q Can you give the name of any Choctaw ancestor of yours who did live in Mississippi in 1830 o 1831? and was married there at that time? A No sir I cant.
Q You say Eli Crowder was married to your grandmother whose maiden name was Durant in Mississippi; do you know how long they lived in Mississippi? A No sir I dont know that.
Q Do you know where she was born and when? A No sir.
Q How old would she be if living nowif you can tell? A I cant tell that.
Q When and where did she die? A She died in Mississippi- my grandmother.
Q Do you know when? A No sir I do not.
Q Did she or any one for her within six months after the treaty of 1830 was ratified go to the United States Indian agent whose name was Colonel Ward and tell him that she wanted tokregister under article fourteen of the treaty of 1830?
A I do not know.
Q Did you ever hear of Colonel Ward? A Well I dont know as I ever did.
Q He was the United States Indian agent and was required to register the names of all Choctaw Indians who stayed back in Mississippi and who wanted to avail themselves of the provisions of article fourteen of the treaty of 1830 and who went to him within six months from the ratification of the treaty and tried to register. Do you know if your grand mother Durant made any effort to register within that time under article fourteen? A No sir I dont.
Q Did she live on land in Mississippi that she received from the government, five years and then get a patent from the government for that land? A I dont know.
Q Did she claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A I dont know.
Q Did she or any Choctaw ancestor of yoursgo at any time from the old Choctaw Nation to the ChoctawNation Indian Territory between the ratification of the treaty of 1830 and the date of this application made by you, for the purpose of making a home in the Choctaw Nation Indian Territory? A I dont know that either.
Q You know your mother went dont you? A Yes she went.
Q Did she go from Mississippi to the Choctaw Nation Indian Territory? A Yes.
Q When did she go? A I dont remember any date - it's been--.
Q Was it in 1830 or 1835 or 1840 or 1850 or when - before the war or since the war. A It was before the war.
Q Was it long before the war? A There was Choctaws went to the Choctaw Nation before we came from Mississippi so I was told; I was just a baby.
Q Now those ChoctawIndians who went from Mississippi to the Choctaw Nation Indian Territory between the years 1833 and 1838 at the expense of the government were the Indians who went under the general provisions of that treaty of 1830; did your mother go at that time or not; did she go before 1833 and 1838 or not? A I guess it was about 1838.
Q Did she go with a goodmany other Indiansor not. A Yes she said there was a good many.
Q Did she go at the expense of the government or did she go at her own expense? A I do not know.
Q You dont know whether she was removed at the expense of the government? A No sir.
Q When she went how much of a family did she have? A There was two children, me an my brother older than me.

Q You were born in what year? A Forty seven.
Q And were not living when they came; then they couldn't have removed from the Choctaw Nation east of the Mississippi river if you were living, until after your birth and you were born in 1847 so she didn't go with the other Indians between 1833 and 1838, did she; couldn't have. A No.
Q Do you were mistaken about that weren't you? A Yes.
Q Now how old were you when your mother brought you from Mississip pi to the Choctaw Nation Indian Territory?
A I was about six or eight months old I guess.
Q Not over a year old? A No sir.
Q Is she the only Choctaw ancestor of yours who went from Mississippi to the Choctaw Nation Indian Territory? A Yes.
Q Did she die in the Choctaw Nation? A Yes.
Q Do you remember the date of herdeath? A No not exactly; it was 1868.
Q That's about the time of her death? A Yes.
Q Where did she die? A On Red River in Kiamitia County; it was Kiamitia at that time; it's Jackson County now.
Q About how old was she when she died? A I reckon she was about forty five.
Q She was forty five at the time of her death? A She was forty five I think; I dont exactly remember.
Q Did she have an older brother or sister? A O, yes, she had older brothers.
Q Give me the name of her oldest brother? A Harrison or Jim, I dont remember which.
Q Are they living now? A No sir.
Q How old would Harrison be now? A I dont know.
Q How old would Jim be now? A I cant tell which of the two was the oldest.
Q How old would either of them be? A They would be I guess eighty five or ninety.
Q Who would? A Jim.
Q And he was born in Mississippi was he? A Yes sir.
Q Therefore his mother was living in Mississippi before the treaty of 1830 was made? A yes sir.
Q And was living there at that time also? A yes sir
Q Now do you know if any of your Choctaw ancestors owned any improvements on land in the old Choctaw Nation in 1830 or 1831
A No sir I dont.

In 1837 a commission was appointed by act of Congress approved March 3 of that year and in 1842 another commission was appointed by Congress by an act approved August 23 of that year; t these two commissions were appointed bythose various acts of Congress to go to Mississippi and hear Choctaw Indians who wanted to present claims before these commissions because they claimed that they had tried to register under article fourteen of the treaty of 1830 within six months from the ratification of that treaty but that Colonel Ward the agent had refused to allow them to register; he refused to put their names on his registry list and because of his refusal to do this those Indians most of them who occupied land in the old Choctaw Nation had their land taken from them by the government and sold; when Colonel George W. Martin the locating agent for the United States government went out in the old Choctaw Nation to locate Choctaws who had declared their intention to stay in Mississippi under article fourteen he naturally located only those Indians whose names were on Wards list and the reason why those Indians had the land taken from them was because their names were not on the list but it was

not their fault for they had made the effort but Colonel Ward had refused to put them on it; now to hear the complaints of those Indians who were dispossessed of their land these two commissions were appointed one in 1837 and the other in 1842.

Q Did any of your ancestors having Choctaw blood go before either of these two commissions and claim any rights to land in Mississippi under article fourteen of the treaty of 1830? A I do not know..
Q Did any of them your grandmother or any other Choctaw ancestor of yours receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know.

This scrip or these certificates as they were called was issued by act of Congress approved August 23 1842 and was given to Choctaw Indians who went before the Commission of 1842 or 1837 and proved two things: first that they were entitled to benefits under article fourteen of the treaty of 1830 because they had tried to register under Colonel Ward and under article fourteen of that treaty, and second that their land had been taken from them by the government and sold.

Q Do you know if any of your Choctaw ancestors received any such scrip. A No sir I dont.

Q Do you speak the Choctaw language? A No sir I dont speak it much.
Q Can you speak any? A I'm a poor hand to talk Choctaw but I can understand a whole lot of it.
Q What is tuckaloosa-hoya? A A negro woman.
Q What's Chickama? A Good.
Q Chickalaw? A Heap good.
Q But you dont understand enough to carry on a conversation?
A No sir.
Q Can you understand ordinary Choctaw language; common words just spoken to you? A Yes.
Q If you wanted to trade with a Choctaw could you talk enough of the Choctaw language to make a trade? A I believe I could.
Q Is there anything more you want to say in support of this claim? A No, sir, I reckon not.

Thirty days time is allowed this applicant in which to introduce other proof if he desires to do so in support of this application.

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws,? A Not that I know of. My relatives they live in the Indian Territory and they are all enrolled; I was unfortunately out in another state and never met the Commission until today.

---O---

This applicant has the appearance and physical characteristics of being descended from white parentage except that his hair is dark brown and mustache is light brown, somewhat gray; complection is dark; eyes are dark brown; he claims Choctaw blood and in the opinion of the Commission he has some Indian

blood; the white blood however predominates; he has some knowledge of the Choctaw language; sufficient to understand a good many Choctaw words but is hardly able to carry on a sustained conversation in that language; he has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

---O---

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 31st day of January 1903 and that the above is a true and correct transcript of her stenographic notes of said proceedings.

Clara Mitchell Wood

Subscribed and sworn to before me this 11th day of February 1903.

Charles Rehanyer

Notary Public.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Daniel T. Bench, for identification as a Mississippi Choctaw, M.C.R. 6641.

-------D E C I S I O N ------

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by Daniel T. Bench for himself, under the following provision of the act of Congress approved June 28, 1898(30 Stats. 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Katie Bench (nee Crowder), who is alleged to have been a full blood Choctaw Indian.

It further appears from the testimony that there is a more remote Choctaw ancestor than the one above given, in the person of the grandmother of this applicant, who married a white man named Eli Crowder, and whose maiden surname is given as Durant and who is alleged to have possessed Choctaw blood, degree thereof not stated; but as the testimony fails to show her given name it is impossible for the Commission to determine whether or not she was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Eli W. Crowder appears on pages 77, 102, 425, 428, 429 and 432 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in various schedules, lists and depositions relating to claims under article fourteen of the treaty of "Dancing Rabbit Creek"; on page 279 of said Volume in a list of miscellaneous claims, as a white man, the husband of a half blood Choctaw woman, and the father of eight children, five over and three under ten years of age at the date of the treaty; also on page 320

of said Volume in a list of cases investigated by Messrs. Murray and Vroom, Commissioners appointed under act of Congress approved March 3, 1837, which cases were rejected by the President on March 25, 1843; but there is nothing in the testimony submitted by the applicant which tends to show that the Eli Crowder, who he claims was his grandfather, is the identical Eli W. Crowder whose name appears in the record above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Katie Bench (nee Crowder) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel T. Bench, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be re-

fused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED James Dunn.
Chairman.

SIGNED T. B. Needles.

SIGNED C. R. Breckinridge.

SIGNED W. A. Stanley.

Muskogee, Indian Territory,
MAR 15 1904

M.C.R. 6641.

Muskogee, Indian Territory, April 6, 1904.

Daniel T. Bench,

Deluce Arkansas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 6641.

COPY.

Muskogee, Indian Territory, April 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application of Daniel T. Bench, for identification as a Mississippi Choctaw.

You are further advised that the applicant in the case has been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Inc. MCR 6641.

Commissioner-in Charge

COPY.

Muskogee, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Daniel T. Bench, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tams Bixby,

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. MCR 6641.

J. W. H.

FHE.

DEPARTMENT OF THE INTERIOR

Washington.

I.T.D. 10654-1904.
536-1905.

June 20, 1905.

Lt R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 22, 1904, you transmitted the record in the Mississippi Choctaw case of Daniel Tucker Bench.

It appears that this applicant is a part blood Choctaw; that he removed from Mississippi to the Choctaw Nation, I.T., when less than a year old; that he resided therein about 47 years; that he owns a farm therein, and that, contrary to your decision in his case, of March 15, 1904, he has been enrolled as a citizen of the Choctaw Nation. The fact of his enrollment is noted in your decision of January 9, 1905, relating to his application by blood, in which it is stated that the name Tucker Bench is on the 1893 Choctaw roll. Inasmuch, however, as his application for enrollment as a citizen by blood was not made until January 31, 1903, further consideration will not be given herein concerning his right to enrollment as such. See departmental decision of January 24, 1905, also relating to him.

It further appears that the applicant claims Choctaw descent through his mother, Katie Bench, who was the daughter of a white man named Eli Crowder by a part blood Choctaw wife whose maiden name was Durant.

It appears from the testimony of the applicant that the history of his grandfather, Eli Crowder, coincides in numerous respects with the history of one Eli W. Crowder, a white man, who, according to the records of the Indian Office, was a member of a band of Choctaws in 1830 and prior thereto, and who, for himself, his Indian wife and children, applied for the benefits of article 14 of the treaty of Dancing Rabbit Creek; who continued to reside for at least 13 years after the treaty upon improved land held by him in 1830, and for whom lands were reserved under article 14 of the treaty of that year until at least 1836.

Contrary to your conclusion in the matter, the Department finds that the applicant's grandfather, Eli Crowder, was the identical Eli W. Crowder for whom land was reserved under said article 14.

The Indian Office raises no question of fact, but recommends that the applicant be denied because no patent was issued to his ancestors under article 14, reference being made to Section 41 of the act of July 1, 1902 (32 Stat., 641).

Before considering this point it will be noted why a patent was not issued to him. Land was allowed him under article 19 of the treaty but not under article 14. This was due to Sec. 8 of the act of August 23, 1842, which restricted the jurisdiction of the Commission created thereby to the determination of

the claims of Choctaws by blood. Said Section 8 reads in part as follows:

"And be it further enacted, That nothing in this act contained shall be so construed as to authorize the said commissioners to adjudicate any claim which may be presented by a white man who may have had, or now has, an Indian wife or family".

From this section it is clear that the commission created in 1842 was utterly without jurisdiction to pass upon the rights of Eli W. Crowder under article 14, as he was a white man. Accordingly, its decision as to such right, if made, would of course be of no effect, and even if it were, would not be binding upon your commission, which has full jurisdiction according to existing law, to determine the rights under said article 14, of persons of the class to which this applicant plainly belongs.

Concerning the rights under article 14 of the treaty of white men who were the heads of Choctaw families, it is noted that Col. Ward placed the names of 18 such men upon his register, within the time prescribed by the treaty of 1830, and that, in the names of 14 white men, patents were issued thereunder. Relative to one of them, Jubal B. Hancock, to whom Congress extended relief, the House Committee on Indian Affairs reported on March 21, 1836. The Committee's report as to the rights of intermarried whites, under the treaty, is convincing. See Vol. 35, American States Papers, page 557. The descendants of Mr. Hancock have been identified under existing law as Mississippi Choctaws; likewise the descendants of Henry Pebworth, a white man whose name appears upon Ward's list.

It thus appears that where jurisdiction existed to pass upon their claims, whites were found entitled to the benefits of article 14 and their descendants to identification as Mississippi Choctaws. It is also clearly evident that Eli W. Crowder was fully entitled to the benefits of said article, though, for the reason stated above, patent never issued to him.

The Department does not concur with the Indian Office that issuance of patent to said ancestor was necessary to entitle his descendant to identification as a Mississippi Choctaw. The latter is not barred from enrollment if by any other evidence than that mentioned in Section 41 supra, he appears entitled.

Reference is here made to the opinion of the Attorney General of the United States of June 19, 1903. Construing said Section 41 of the agreement, he then said:

"Manifestly the parties (to the agreement) did not intend to abridge the rights of any person theretofore entitled by law to identification as a Mississippi Choctaw";

also that children of the mixed blood

"have not been deprived by the agreement of anything to which they were entitled before its conclusion."

Following the opinion of the Attorney General the Department found, in the cases of Jim Gift and Ellen Moore, by other evidence than that defined by said Section 41, all the applicants were entitled to identification as Mississippi Choctaws, it being clear, from the issuance of scrip to them or to their ancestors, and from other satisfactory evidence, that they or their ancestors attempted to comply, so far as they were able, with article 14 of the treaty.

It remains to be considered whether Eli W. Crowder's attempt to comply with the treaty was sufficient to preserve for himself and his descendants "the privilege of a Choctaw citizen", even though he failed to secure his land in Mississippi under article 14. In this connection it is noted that Choctaw citizenship was not acquired by compliance with article 14 of the treaty. On the contrary, it was necessary, as a condition precedent, for one to be a Choctaw citizen in order to undertake compliance, which had as one of its objects the preservation of such citizenship. When a Choctaw citizen signified his intention to Col. Ward to comply with article 14 of the treaty, he placed himself of record as desiring:

1st. To "become a citizen of the States;"

2nd. To retain his improved lands and to receive a patent from the United States to the same;

3rd. To preserve "the privilege of a Choctaw citizen", except to share in the annuities.

It is plain that it was necessary for a Choctaw to reside upon his land for five years, or to make a bona fide attempt to do so, in order to secure a title from the United States to its public lands by virtue of said article 14. It would, however, be a mistake to conclude that it was necessary, in order to preserve Choctaw citizenship, for one already a Choctaw citizen to make such compliance with the article, whether by maintaining a five years residence or otherwise, as would perfect his right to receive a patent; nor was it necessary, in

order to preserve for himself and his descendants "the privilege of a Choctaw citizen", including the right to share in the lands of the Choctaw Nation, to actually take lands east of the Mississippi or to receive title thereto, if he preferred otherwise, the taking of land east of the Mississippi being a matter which does not of itself add to or detract from the right to citizenship in the Choctaw Nation west.

Your decision in the matter is hereby reversed, and you are directed to identify the applicant as a Mississippi Choctaw. In so doing it is desired that you advise him that it will be necessary for him, in order to receive any benefit from such identification, to remove to the Nation within six months from the receipt of your notice. A copy of Indian Office letter of October 15, 1904, is inclosed,

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

I inclosure.

Land
28266-1904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, October 15, 1904.

(C O P Y)

IN RE

Application of Daniel T. Bench)
for identification as a Mississ-)
ippi Choctaw Indian,)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for Departmental action the record of proceedings had before the Commission to the Five Civilized Tribes in the above case of Daniel T. Bench, wherein the Commission by its decision dated March 1[illegible], 1904 refused to identify the applicant, Daniel T. Bench as a Mississippi Choctaw Indian.

The applicant, Daniel T. Bench claims rights in the Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one_____Durant, a Choctaw Indian woman of mixed blood, half Choctaw and half French (given name not known), who became the wife of Eli W. Crowder, a full blood, white man, from whom is descended Katie Bench, nee Crowder, the mother of applicant and an alleged one half blood Choctaw Indian.

The evidence submitted shows that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, nor admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in the Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats. 321) but applicant claims to have received an annuity from the Choctaw Nation in 1893.

The records of this office show that one Eli W. Crowder, a full blood white man, who married a sister of Charles Durant, a one half blood Choctaw and who resided in Mississippi in 1830 applied for lands under article 14 of the treaty of 1830 on behalf of himself, his wife named Margaret (of mixed blood), and eight children, among whom the names of Harris, James and Katy appear (see evidence in Choctaw claims before Commissioners, Murray & Vroom, book 102, 768-9-770-71).

The records of this office further show that the claim of Eli W. Crowder under article 14 of the treaty of 1830 was barred by section 8 of the law of August 1842, on the ground that he was a white man, but that under the 19th article of the treaty of 1830, the following reservations of lands were made to Eli W. Crowder, viz: the W/2 of the NE/4 and the E/2 of the NW/4 of Section 4, Township 12, Range 5 East, and said reserva-

tion is noted "wanted" while certain other reservations for Eli W. Crowder are noted "not wanted." (See compilation of Choctaw reservations, pages 35 and 117, also letters of Office of Indian Affairs, dated April 23, 1834, July 14, 1836, February 7, 1846, May 18, 1848 and July 11, 1848, copies of which letters are submitted herewith). The records of the General Land Office failto show the issuance of a patent to lands under the 14th article of the treaty of 1830 as claimants thereunder, to Eli W. Crowder or to his wife, Margaret Crowder, nee Durant, or Katie Bench, the ancestors from whom the applicant herein claims descent and in the absence of such proof, the issuance of a patent to lands under the 14th article of the treaty of 1830 to his ancestor (see section 41 of act approved July 1, 1902) the applicant Daniel T. Bench has not status as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830. Therefore I recommend that the action of the Commission of March 15, 1904, refusing to identify Daniel T. Bench as a Mississippi Choctaw Indian be affirmed.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GR/LM.

C O P Y.

Department of War,
Office of Indian Affairs,
April 23, 1834.

To Major
F. W. Armstrong
Washington

Sir:

I have received your report upon the claim of Eli W. Crowder for a reservation under the Choctaw Treaty. The President having decided, since my letter to you of the 24th of January was written, that all claimants whose names are not upon the registers, prepared by the Agent, must seek relief from Congress, this Department cannot act further upon this subject.

I am &c

Elbert Herring.

C O P Y.

War Department

Office of Indian Affairs,

July 14, 1836.

To the Hon.

R. J. Walker

Natchez

Miss.,

Sir:

The letter of Mr. W. L. Turnbull of the 23rd Feb'y 1836, to yourself and the Hon. Mr. Claiborne on the subject of the claims of Eli W. Crowder and others, left by you for the action of the War Department is herewith returned.

In reference to the subject of this letter, I have only to remark, that the President has declined any further action in regard to the conditional location made by Col. Martin under the 14th article of the Choctaw Treaty. Congress, therefore, only, possesses the power to grant relief in the matter.

Very &c

C. A. Harris.

C O P Y.

OFFICE INDIAN AFFAIRS,

Feb'y 7, 1846.

Shields Esq. James

Com'r Gen'l Land Office.

Sir:

I have received your letter of 30 ulto enclosing one from John Simmons to the Hon. Stephen Adams in relation to the location for Eli W. Crowder, a reservee under Choctaw Treaty of 1830. The records of this office show that the reservation for said Crowder under the 19th article of aforesaid Treaty was located on the E/2 of NW/4 and the W/2 of the NE/4 of Section 4 in Township 12 of Range 5 E. N. Eastern Land Dist. Miss. and that the claim, made by him under the 14th article, was laid on land in Township 14 & 15 of Range 6 East. By the 8 section of the law of August 1842 in relation to Choctaw lands, the claim of Crowder under 14 article in barred he being a white man. Therefore the land that has been selected for him under that claim need not any longer be withheld from market. But he is entitled to his reservation of 160 acres under the 19th article, his name being on Armstrong's register of claims allowed that article the purchase of the land selected for Crowder under 19 article by Mr. Simmons at Sheriffs sale is not subject to the action of this office. It is a sale made by the reservees that the treaty contemplates shall be approved by the President of the United States to give it validity. The letter of Mr. Simmons is returned herewith.

W. M.

C O P Y

Office Indian Affairs,
May 18, 1848.

Young Esq. R. M.

Com'r Gen. Land Office.

Sir:

I have received your letter of 15 inst, enclosing one to Hon. Jacob Thompson from Mr. John Simmons who desires that a patent may be issued for the land selected as a reservation under the 19 article of the Choctaw Treaty, of Eli W. Crowder. Mr. Simmons states that he purchased the land 5 or 6 years ago from the reservee and has his title. This admission precludes this office from reporting the case for patenting until the President of the United States has given his consent to the sale. The files do not indicate that the title papers of Mr. Simmons have ever been submitted for the action of the Department. The letter of Mr. Simmons is returned herewith.

W. M.

C O P Y

Office Indian Affairs,

July 11, 1848.

Young Esq. Rich'd M.

Com'r. Gen'l Land Office.

Sir:

I return herewith the papers received with your letter of 7inst. in relation to the claim of Mr. John Simmons under a sheriff's deed for the land selected under the 19th article of the Choctaw treaty of 1830, for Eli W. Crowder & state that the only transaction which can receive the action of this Department is the sale by the reservee.

W. M.

MCR 6641

COPY.

Muskogee, Indian Territory, January 17, 1906.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with the direction of the Secretary of the Interior of June 20, 1905, the Commissioner to the Five Civilized Tribes on January 17, 1906, identified Daniel T. Bench as a Mississippi Choctaw.

For your information there is enclosed herewith a copy of the letter of the Secretary of the Interior of June 20, 1905 (I T D 10654-1904, 536-1905), accompanied by the report of the Acting Commissioner of Indian Affairs of October 15, 1904 (Land 28266-1904), and also a copy of the order of the Commissioner to the Five Civilized Tribes identifying Daniel T. Bench as a Mississippi Choctaw.

Respectfully,

Tams Bixby.

Commissioner.

MoM 17/4

REFER IN REPLY TO THE FOLLOWING

MCR 6641

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1906.

Daniel T. Bench,

Deluce, Arkansas.

Dear Sir:

You are hereby notified that in accordance with the direction of the Secretary of the Interior of June 20, 1905, the Commissioner to the Five Civilized Tribes on January 17, 1906, identified you as a Mississippi Choctaw.

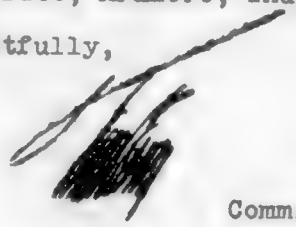
For your information there is enclosed herewith a copy of the letter of the Secretary of the Interior of June 20, 1905 (I T D 10654-1904, 536-1905), accompanied by a copy of the report of the Acting Commissioner of Indian Affairs of October 15, 1904 (Land 28266-1904), and also a copy of the order of the Commissioner to the Five Civilized Tribes identifying you as a Mississippi Choctaw.

You are further advised that your name will now be placed upon a schedule of identified Mississippi Choctaws to be submitted to the Secretary of the Interior for his approval, and when so approved you will be permitted to make selection of an allotment of the lands of the Choctaw and Chickasaw Nations, after having first submitted satisfactory proof of settlement.

In order to avail yourself of the benefits of this identification you must remove to and make bona fide settlement within

the Choctaw-Chickasaw country, Indian Territory, before the expiration of six months from January 17, 1906. The Act of Congress approved July 1, 1902 (32 Stats., 641), provides that proof of such removal and settlement shall be made to the Commission to the Five Civilized Tribes within one year from the date of your identification as a Mississippi Choctaw, which would be one year from January 17, 1906. This proof of removal and settlement may be submitted either at the Choctaw land office at Atoka, Indian Territory, or at the Chickasaw land office, Ardmore, Indian Territory.

Respectfully,



Commissioner.

Registered.

MoM 17/3

No. 6641

For Identification as a Mississippi Choctaw.

Date JAN 31 1903

Name Daniel F. Bench

Age 55 Blood 1/4

Post Office, ~~Dardanelle~~ Delucc, Ark.

Father: Charles Bench, d.

Mother: Katie " d.

Claims through mother, 1/2

wife

Eliza Bench, l. w

No claim for wife.

Children.

Claims for self alone.

Stenographer Clara Mitchell Woods

MUSKOGEE OKLA
REG DIV
28 JUL

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





Land Ret to
Letter

Daniel T. Bench,

Deluce, Arkansas.

R. 1864

Daniel T Bench

NO:

Choctaw MCR 6642

Cornelia A. Smith

MCR 6642

THE DEPARTMENT OF INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSCOGEE, INDIAN TERRITORY.

In the matter of Cornelia A. Smith, M. G. Miller and others for identification as Mississippi Choctaws:

The application of Claimants for continuance and further extension of time for the purpose introducing testimony in their behalf.

Now comes M: G. Miller, one of the Cliamants in the above entitled and numbered cause, and acting for himself and in behalf of all the Claimants in said cause, files this his first application for an extentension of time in which to take testimony in said cause and for cause shows to the Commission:

-1-

That in the matter of the application of Cornelia A. Smith for identification as a Mississippi Choctaw there are some forty or fifty other claimants all claiming under the same common parentage as the said Cornelia A. Smith whose cases have been consolidated and are to be considered in connection with the application of the said Cornelia A. Smith, one of whom is your applicant M. G. Miller. That all of said cases are dependant upon the same testimony . That a copy of the testimony of each and all of the said claimants has not been furnished to your applicant M. G. Miller or his attorney of record, for the reason that the testimony of the said applicant has not yet been transcribed from the Stenographer's notes now in possession of the said Commission. That your applicant, or either of the applicants in the said consolidated case, can not safely go into trial until after, they have been furnished a copy or copies, of all the testimony introduced in said consolidated cause.

-2-

That your applicant cannot now safely go into trial for the want

of the testimony of the following witnesses: to-wit, J. B. Callicoatte, Agnes Belamer and Elijah Belamer.

That he expects to prove by the saod J. B. Callicoatte, that ht the said J. B. Callicoatte resided at Coffeyville in the County of Yallowbusha, State of Mississippi in the year of 1830 and for many years thereafter. That he was personally acquainted with Susana Miller, the grandmother of your applicant M. G. Miller, and the common source from whom all the applicants in this cause claim their Indian blood, and that he went with the said Susana Miller before Col. Wm. Ward, a United States Commissioner for the purpose of assisting her in registering or enrolling her name with the said Commissioner, signifying her intention of remaining in the State of Mississippi and receiving landsunder the 14th Article of the Treaty of Dancing Rabbit Creek. That he saw and heard the said Susana Miller make the request of the said Wm. Ward to register her name as a Mississippi Choctaw and that the said Wm. Ward was intoxicated and abusivie in his language and refused to enroll or register the said Susana Miller. He further expects to prve by the said J. B. Callicoatte that the said Susana Miller was a half breed Choctaw Indian, and was generally recognized and accepted as such in the community in which she lived, that she looke like an Indian, spoke the Choctaw language and visited among and received visits from Choctaw Indians. That at the time your applicant and all of the applicants in said consolidated cause made their personal appearance before the Commission, they did not know the whereabouts of the said J. B. Callicoatte, but thought that he resided at Dangerfield, in the County of Morris and State of Texas, but afterwards learned that he moved away from the said Dangerfield. That your applicant only this day, that is the 23rd. day of April, A. D. 1903 learned of the whereabouts of the said J. B. Callicoatte and that he now resides at Corpus Christi, in the County of Nueces in the State of Texas. That he had made diligent search for the said J. B. Callicoatte but did not

learn his whereabouts until this day. That the said J. B. Calli-
coatte is now about 95 years of age. That your applicant could not
for the reasons above stated procure the testimony of the said
witness within the thirty times allowed by the said Commission.
That if further time is granteddto your applicant expects to pro-
cure the testimony of the said witness which said testimony is
material to his cause.

-3-

That your applicant if granted further time expects to procure the testimony of Agnes Belamar who resides at Jefferson, County of Marion in the State of Texas, that the said Agnes Belamar is now 104 years old, of sound mind and body and of good memory. That he expects to prove by this witness that she lived in the County of Yallowbusha and State of Mississippi from the year of 1830 to the year of 1848; that she was personally acquainted the said Susana Miller and was the slave of Jane Carr, the daughter of the said Susana Miller and that the said Jane Carr and the said Susana Miller lived together until the death of the said Susana Miller in the year of 1852, and that she, the said Agnes Belamar was a household servant during said time. That he further expects to prove by the said Agnes Belamr that the said Susana Miller looked like an Indian, was taken and accepted to be an Indian and that she spoke the Choctaw language and associated with the Choctaw Indians. That at the time your said applicant appeared in person before the Commission for identification as a Mississippi Choctaw he did not where the said Agnes Belamar resided and has only recently learned of her whereabouts, and that if his cause is continued he expcts to introduce the testimony of the said Agnes Belamar as above set out.

Wherefore, premises considered your applicant M. G. Miller prays that further time be granted him in which to procure and introduce the testimony of the said witnesses. That this application for continuance is not made merely for delay but that justice might be done.

(Signed) M. G. Miller.

Subscribed and sworn to before me this 23rd. day of April, 1903.

(Signed) J. L. Mothershed. Notary Public

SEAL

HOPKINS COUNTY, TEXAS?

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 29th, 1903.

M C R 6642

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In the matter of the consolidated Mississippi Choctaw case of Cornelia A. Smith, et al.

Now on this 29th day of April, 1903, comes M. G. Miller, one of the applicants in the above entitled cause, and filed his motion for a continuance therein, and, after consideration of said motion, it is the opinion of this Commission that the same should be granted and it is so ordered; and further, that said applicant be advised that he will be allowed until Monday, May 25, 1903, to introduce further testimony in support of the above entitled cause.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

THE DEPARTMENT OF INTERIOR.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSCOGEE, INDIAN TERRITORY.

In the matter of the application of Cornelia A. Smith, and others, for identification as Mississippi Choctaws:

Now comes M. G. Miller, one of the applicants for identification as a Mississippi Choctaw under the consolidated case of Cornelia A. Smith, et al, No. _____ and making application for a commission to take the deposition of Agnes Belamer, a witness for claimant who resides at Jefferson, in the County of Marion and State of Texas, and for such application says, that he has made his personal application to the Commission to the Five Civilized Tribes for identifiifacation as a Mississippi Choctaw.

That the said Agbes Belamer is a non resident of the Indian Territory and of the State of Mississippi.

That the testimony of the said witness is material and that he expects to prove by the said Agnes Belamer that she lived in the County of Yallowbusha in the State of Mississippi in the year of 1831 and for many yeahs thereafter; that she was personally acquainted with Susana Miller, the grandmother of your applicant and the common source through which all the applicants in the said consolidated case are now claiming their rights of identification as Mississippi Choctaws; that she knew thesaid Susana Miller in the said County and State in 1831 and for many years thereafter; that in 1837 she became the household servant of Jane Carr, the wife of Harry B. Carr and the daughter of the said Susana Miller and consinued in such service for many years thereafter; that during the time shewas in such service the said Susana Miller lived in the same house with her daughter the said Jane Carr; that the said Susana Miller was a half blood Choctaw Indian and spoke the Choctaw language and visited among the Choctaw Indians; that she had often heard the said Susana Miller speak of the time that she had gone before the Indian Agnet for the purpose of registering her name as a Mississippi Choctaw Indian and of

the refusal of the said Indian Agent to enroll the name of the said Susana Miller and her children and that she had often heard her and other members of the family discuss among themselves the loss of land by the said Susana Miller and her children by reason of the fact that the said ~~Xxx~~ Indian Agent had refused to enroll the name of the said Susana Miller and her children.

M. G. Miller
APPLICANT.

Subscribed and sworn to before me the undersigned authority on this the 19 day of May A. D. 1903.

J. L. Matthews
Notary Public
Hopkins G. Ross

UNITED STATES OF AMERICA,)
Indian Territory,) ss.
Central District.)

I hereby certify that I served the above application for commission to take depositions with interrogatories to be propounded to Agnes Belamer attached, by delivering a true copy of same to J.F. McMurray, a member of the firm of Mansfield, McMurray & Cornish, Attorneys for the Cheetaw and Chickasaw Nations of Indians, at their office in the city of South McAlester, Ind. Ter. this 21 day of May 1903 at 10 o'clock A.M.

BENJ. F. HACKETT,
U.S. Marshal.
By H. Miller
Deputy.

The Department of Interior.

The Commission of the Five Civilized Tribes Muskogee, I.T.

In the Matter of Cornelia A Smith, M.G. Miller et al for identification as Mississippi Choctaws

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Application for Continuance

THE DEPARTMENT OF INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSCOGEE, INDIAN TERRITORY.

In the matter of Cornelia A. Smith, M. G. Miller and others for identificication as Mississippi Choctaws:

The application of Claimants for continuance and further extension of time for the purpose introducing testimony in their behalf.

Now comes M. G. Miller, one of the Cliamants in the above entiled and numbered cause, and acting for himself and in behalf of all the Claimants in said cause, files this his first application for an extension of time in which to take testimony in said cause, and for cause shows to the Commission:

-1-

That in the matter of the application of Cornelia A. Smith for identification as a Mississippi Choctaw there are some forty of fifty other claimants all claiming under the same common parentage as the said Cornelia A. Smith whose cases have been consolidated and are to be considered in connection with the application of the said Cornelia A. Smith, one of whom is your applicant M. G. Miller. That all of said cases are dependant upon the same testimony. That a copy of the testimony of each and all of the said claimants has not been furnished to your applicant M. G. Miller or his attorney of record, for the reason that the testimony of the said applicant has not yet been transcribed from the Stenographer's notes now in possession of the said Commission. That your applicant, ar either of the applicants in the said consolidated case, can not safely go into trial until after they have been furnished a copy or copies, of all the testimony introduced in said consolidated cause,

-2-

That your applicant cannot now safely go into trial for the want of

the testimony of the following witnesses: to-wit: J. B. Callicoatte, Agnes Belamer and Elijah Belamer.

That he expects to prove by the said J. B. Callicoatte, that ht the said J. B. Callicoatte resided at Coffeyville in the County of Yallowbusha, State of Mississippi in the year of 1830 and for many years thereafter. That he was personally acquainted with Susana Miller, the grandmother of your applicant M. G. Miller, and the common source from whom all the applicants in this cause claim their Indian blood, and that he went with the said Susana Miller before Col. Wm Ward, a United States Commissioner for the purpose of assisting her in registering or enrolling her name with the said Commissioner, signifying her intention of remaining in the State of Mississippi and recieving lands under the 14th Article of the Treaty of Dancing Rabbit Creek. That he saw and heard the said Susana Miller make the request of the said Wm. Ward to register her name as a Mississippi Choctaw and that the said Wm. Ward was intoxicated and abusive in his language and refused to enroll or register the said Susana Miller. He further expects to prve by the said J. B. Callicoatte that the said Susana Miller was a half breed Choctaw Indian, and was generally recognized and accepted as such in the community in which she lived, that she looked like an Indian, spoke the Choctaw language and visted among and received vists from Choctaw Indians. That at the time your applicant and all of the applicants in said consolidated cause made their personal appearance before the Commission, they did not know the whereabouts of the said J. B. Callicoatte, but thought that he resided at Dangerfield, in the County of Morris and State of Texas, but afterwards learned that he moved away from the said Dangerfield. That your applicant only this day, that is the 23rd. day of April, A. D. 1903 leanred of the whereabouts of the said J. B. Callicoatte and that he now resides at Corpus Christi, in the County of Nueces in the State of Texas. That he had made diligent search for the said J. B. Callicoatte but did not learn his whereabouts until this day. That the said J. B. Callicoatte is now about 95 years of age. That your applicant could not for

the reasons above stated procure the testimony of the said witness within the thirty days times allowed by the said Commission. That if further time is granted to your applicant he expcets to procure the t stimony of the said witness which said testimony is material to his cause.

-3-

That your applicant if granted further time expects to procure the testimony of Agnes Belamar who resides at Jefferson, County of Marion in the State of Texas, that the said Agenes Belamar is now 104 years old, of sound mind and body and of good memory. That he expects to prove by this witness that she lived in the County of Yallowbusha and State of Mississippi from the year of 1830 to the year of 1848; that she was personally acquainted with the said Susana Miller and was the slave of Jane Carr, the daughter of the said Susana Miller and that the said Jane Carr and the said Susana Miller lived together until the death of the said Susana Miller in the year of 1852, and that she, the said Agnes Belamar was a household servant during said time. That he further expects to prove by the said Agnes Belamr that the said Susana Miller looked like an Indian, was taken and accepted to be an Indian and that she spoke the Choctaw language and associated with the Choctaw Indians. That at the time your said applicant appeared in person before the Commission for identification as a Mississsippi Choctaw he did not where the said Agnes Belamar resided and has only recently learned of her whereabouts, and that if his cause is continued he expcts to introduce the testimony of the said Agnes Belamar as above set out.

Wherefore, premises considered your applicant, M. G. Miller prays that further time be granted him in which to procure and introduce the testimony of the said witnecsses. That this application for continuance is not made merely for delay, but that justice might be done.

M. G. Miller

Subscribed and sworn to before me this 23rd. day of April, 1903.

L. Mostyn NOTARY PUBLIC
LAMAR COUNTY, TEXAS.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 3, 1903.

Solomon Carr being first duly sworn testified as a witness in the matter of the applications of

Cornelia A. Smith, M.C. .6642

and

William G. Miller, et al., M.C.R.6643,

for identification as Mississippi Choctaws, as follows:

---O---

Examination by the Commission.

Q What is your name? A Solomon Carr.
Q Where do you live? A Five miles southeast of Mount Vernon.
Q In what state? A Texas.
Q How old are you? A Ninety four.
Q Do you remember in what year you were born? A No sir I dont know exactly what year I was born in.
Q Do you remember the war? A O, Lord, yes, sir.
Q How old were you then? A I was about seventy some odd or sixty, I forget now which, in the time of the war.
Q You think about sixty? A Yes, sir.
Q Were you a slave? A Yes, sir, I was a slave.
Q Who was your master? A Harry B. Carr. He was dead long before the war and I was living with the widow; belonged to the widow.
Q Who was that? A Jane Carr..
Q What was her maiden name? A Miller.
Q Was she related to William G. Miller? A Yes.
Q What relation? A Brothers and sisters.
Q What relation was she to Cornelia A. Smith? A She was Cornelia Smith's grandmother; her daddy was her son.
Q Now you know Cornelia Smith? A O yes, I knew her mother before she married.
Q You know William G. Miller? A yes sir
Q Did you ever know Susannah Miller? A Yes sir.
Q Who was she? A She was an Arthur.
Q That was her maiden name? A yes, sir before she was married she was a Arthur.
Q She was a white woman was she? A Well her mother was a full blood Indian; her mother was; she said; I don't know nothing about it; she said her mother was a full blood and her father was a white man and her mother was an Indian.
Q What was her mother's name? A I don't know sir what her mother's name was;; I never knew what her mother's name was more then she was a Choctaw Indian.
Q That was her father's name, the white man? A Arthur.
Q How do you know she was a Choctaw Indian? A She gave herself that name; she said she was; she said she lived among Indians and they always worked together mighty well like they must be some kin.
Q Where was Susannah Miller born? A I don't know sir.
Q Where did she die.

A She died here in Texas. In Titus it was them but it's Franklin now; it was named Titus at the time she died.
Q When did she live in Mississip pi? A I don't know. She lived there when the stars fell I think.
Q That was in 1833 was it? A Yes, sir..
Q Do you remember when the stars fell? A O, yes, mighty well.
Q Was she married then? / Who?
Q Susannah Miller . A Her husband was dead then.
Q She had been married? A Yes sir
Q Did she have children? A Yes sir.
Q At that time? A yes sir.
Q How old? A I dont know sir how old they was/ I don't know how old her children was but this Jane she was six months older than me.
Q Did you ever hear of Colonel William Ward? A Yes sir I've heard them talk of Ward, yes sir.
Q Who was he? A I don't know sir; I don't know whether he was a full blood Indian or not; I don't know what he was.
Q Did Susannah live on land in Mississippi which she got from the government? A No sir not as I know of.
Q Didn't live on any five years and then get a deed of it?
A If she owned any I don't know it at that time in Mississippi
Q Did she go to Colonel Ward and tell hi m she wanted to stay in Mississippi? A I don't know sir what she told him.
Q You don't know anything about the treaty of 1830 do you?
A No sir,I don't know what he told her.
Q Did you ever hear that she went to see Ward? A To register, yes sir she did.
Q Who told you that? A I went with her.
Q You went with her to Ward? A Yes sir.
Q When was that? A That was in Mississ ppi.
Q What time - before or after the stars fell? A That was after the stars fell; I was 'nt in Mississippi when the stars fell; I was in Tennessee fixing to come to Mississippi when the stars fell. They fell in '33 and I got acquainted with Susannah Miller in '34; I lived in two miles of her about seven or eight or ten years.
Q What did she do when she went to Colonel Ward? A I don't know sir.
Q Who wasthere? A I don't know that neither.
Q Didn't see anybody else? A No sir, I just went with her and waited on her and I didn't go to see what she done nor who was there nor nothing; I went to wait on her; you see I was a slave and that wasn't none of my business.
Q How old were you? A I was thirty I think -- thirty two years old or thirty three or four, I don't know exactly; I don't know exactly what time it was, but it was somewhere along in there.
Q And that was after the stars feel was it? A O, yes, that was after the stars fell, I hadn't got acquainted with them when the stars fell.
Q Was this Colonel Ward an Indian or half breed or what was he? A I don't know sir what he was; only we went there and when they invited her into the house some of them met her and told her that this man couldn't tend to the business, he's been drinking, he's drunk "; said he was drunk and she couldn't tend to it then and they said she had to go back to do it but if she ever registered I dont know, but she might have done it; if she did I don't know it; I didn't go back with her and the time she was to go back I was called off on business and was gone twelve days and then in the time I was gone was her time to went back, and I don't know whether she went back and registered or not; I don't know anything about that part of it.

Q Where did they go to register ? A It was a little town named Coffeyville in Yalobusha. We was living a mile and a half from town.
Q Did you ever hear of Dancing Rabbit Creek in Mississippi?
A No; I don't know, I heard them talk about it; I don't know.
(Witness excused.)

J.B.BICKERSTAFF, a witness, being first duly sworn testified as follows in the above entitled cause:

Examination by the Commission:

Q What is your name? A J. B. Bickerstaff.
Q Where do you live? A In Franklin County.
Q In Texas? A Yes sir.
Q What is your occupation? A I am a farmer and mechanic together
Q What is your age? A I will be sixty eight day after tomorrow.
Q Where were you born? A In the Creek Nation on the Chatahoocha river.
Q In Mississippi? A No in Alabama.
Q Did you ever live in Mississippi? A Yes sir.
Q What year did you go there? A In thirty five.
Q How old were you at that time? A I was very small; I was six months old.
Q Are you acquainted with Mrs. Cornelia A. Smith? A Yes sir.
Q That is this lady who has made application today? A Yes sir.
Q Are you acquainted with William G. Miller? A Yes sir.
Q He has also mad e application today? A Yes sir.
Q How related are they to each other? A Their father's were half brothers.
Q Do you know whether Cornelia A. Smith has any ChoctawIndian blood? A Yes, I know it this way: I made old Mrs Miller's coffinwhen she died.
Q What was her name? A They called her aunt Susan -- all the darkies called her that and the balance of the children called her grandma.
Q What relation was this lady for whom you made a doffin to Cornelia Smith? A Grandmother.
Q What relation to William G. Miller? A Grandmother.
Q What do you know about this old lady Aunt Susan Miller having Choctaw blood? A She claimed to be a full blood and looked like she might be a full blood; I've been used to seeing Indians full blood Indians right in the Chickasaw Nation round in Monroe County--
Q Describe her? A She had very deep eyes and long coarse black hair and was dark colored.
Q Did you hear her say herself that she had Choctaw blood?
A Yes sir.
Q Do you know whether she spoke the Choctaw language? A I know she spoke Choctaw because my father and her talked together; my father could talk three different languages in Indian - Chickasaw and C octaw and Creek.
Q Now what year was it you first knew Susannah Miller? A It wasin '52.
Q That's the first time you knew her? A Yes, in Texas; I never knew her in Mississippi at all.

Q You were not acquainted with her in Mississippi?
A No, sir I first got acquainted with her in Texas.
Q And all you know about her having Choctaw blood is what she told you? A Yes sir.
Q You don't know anything about her having registered under article fourteen? A No sir.
Q Then you dont know anything about that treaty of 1830 or article fourteen of that treaty? A No sir.
Q You don't care to try to testify further back that when you first knew her in Texas? A That's all I can testify.
Q And you know that it was the grandmother of this applicant whom you assisted in burying? A Yes sir.
Q And you knew her personally and heard her say she had Mississippi Choctaw blood? A Yes sir.
Q Did you ever hear her say shelived in Mississippi? A Yes sir
Q Did you ever hear her say anything about having tried to register under Colonel Ward? A No sir.
Q Did she say anything about having tried to get her rights as a Choctaw Indian in Mississippi? A No sir she didn't talk anything about that; you see land was so cheap then that there never was anything said about it.
Q If anybody had any Choctaw bloood they didn't care to tell about it. A No sir; they never said anything about it..
Q How did she happe n to tell you she had Choctaw blood in those days? A I asked her whether she was Chickasaw or Choctaw; you see we lived in the old Levi Colbert's house when he left Mississippi and he was chief, him and Love was the chiefs of the Chickasaws and I asked her whether she was Chickasaw or Choctaw and she told me she was a Choctaw.
Q You asked her that because of her appearance? A Yes; I knew she was an Indian and I just asked her that to see which nation she belonged to.

SOLOMON CARR being recalled testified as follows.

Examination by the Commission:

Q Do you know whether old grandma Miller had any Choctaw kin folks in Mississippi? A No sir I dont know whether she did or not.
Q Did she have any here in the Choctaw Nation? A Well I did know a good many of her kin folks-- yes, I did know some of her folks in Mississippi named Davis; they come to see her a time or two.
Q What Indians came there to call? A There was a uncle. I don't know; these folks come to see her.
Q That was their name? A Davis; they come there several times and there was some named Culthrop; they come here to Texas; this here Davis come to be a man grown and he come to see her and there come a man with him and they both said they was an Indian and one of them was just as much like the other that they couldn't tell which was which; couldn't tell him from Bill Miller and they said if it was spitting they couldn't spit more like him; the old lady Miller - Susannah she claimed to be kin to the Choctaw Indians and this Joe Perry -- we lived in a quarter of a mile of them seven or eight or ten years and his wife was a Chickasaw, and they was both so much alike you couldn't have told which was which; they weighed

two hundred - each one of them -- you couldn't tell them apart; just as much alike as ever you saw two black eyed peas out of one hull; they was different nations; one was Choctaw and the other was a Chickasaw.

---O---

This is an old man; claims to be ninety four years old and his appearance would indicate that age; totally blind; deaf, emaciated and feeble but with a good memory; in fact with a remarkable memory for a man of his age; he has told all he knows as to the Choctaw ancestry of this applicant.
The witness J. B. Bickerstaff is a man of the age of sixty eight strong and well preserved and a man of good intelligence who has told his recollection of the ancestor of this applicant since he knew her in the year 1852; he states that she said she was of Choctaw Indian blood and he says she looked like it but knows nothing of her history in Mississippi.

Clara Mitchell wood being first duly sworn states that she reported the above case on the 3rd day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 12th day of February 1903.

Charles Hetherington
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 3, 1903.

In the matter of the application of Cornelia A. Smith for identification as a Mississippi Choctaw.

J.A.Hurly (not present) Attorney for applicant,(Sulphur Springs, Texas.)

Cornelia A. Smith, being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Cornelia A. Smith
Q What is your age? A Sixty five the second day of last August.
Q What is your post office address? A Mount Pleasant Texas.
Q How long have you lived in Texas? A I will have to count that up; I've been living there ever since forty one.
Q Where did you live before that? A In Mississippi.
Q Were you born in Mississippi? A Yes, sir.
Q Where in Mississippi? A Yalobusha County.
Q From Mississippi you went to Texas? A Yes.
Q And have lived there since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Charles S. Stewart.
Q What is your mother's name? A Martha Stewart.
Q Do you claim your Choctaw blood through your father or mother?
A My father.
Q How much Choctaw blood do you claim? A I cant tell you that; how much I claim; I claim through my grandmother; my father's mother claimed to be -- I don't know how much but she was Choctaw all the same; I cant answer it; she was enough to look very much like one.
Q You cant tell how much Choctaw blood your father had? A No sir my grandmother looked to be half.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I don't know as he has.
Q Was he ever lived in the Indian Territory? A They have lived in the Indian Territory in Mississippi in the Choctaw Nation.
Q Did he ever live in thisnIndian Territory west of the Mississippi river? A No sir he lived in Mississippi when the Indians lived there in the thirties.
Q That was in the old Choctaw Nation? A Yes sir.
Q Have you the proof of the marriage of your father and mother with you? A No, I haven't.
Q Do you know when they were married and where? A Yes sir they were married in 1835 in Yalobusha County.
Q What day of the month? A The seventeenth day of January 1835.
Q Married by a minister under a license? A Yes, sir.
Q Is your husband living? A No sir.
Q Your children are all over twenty one are they? A Allover twenty one years old.
Q You make this application for yourself do you? A Well I thought it would be for the children too.
Q I don't know how it would be. A I would like very well for it to be for all of them; I have six children, and seven

grandchildren.

Q The children over age or married will have to appear before the Commission in person and if the grandchildren have parents living the parents must appear for them, one of them, unless you have a power of attorney from the parents. You have no such power of attorney have you? A No, I know that's the law at home; I didn't know how it would be here.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.

Q What is the name of your deceased husband? A Richard Smith; Richard D. Smith.

Q When did he die; do you remember? A 1883.

Q He is the father of these children of yours who are over age? A Yes sir.

Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, I don't believe I have.

Q This is your first application? A Yes.

Q You never have been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.

Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw? A Yes sir.

Q And do you claim that right under article fourteen of the treaty of 1830 or dont you understand that article? A Well I might not understand it correctly; I think I do.

Q Have you heard of the treaty of 1830 before? A Yes sir.

Q And have you heard of article fourteen of that treaty or had it explained to you? A No, sir, I don't remember.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year; it is sometimes called the treaty of Dancing Rabbit Creek; the object of this treaty was to get the voluntary consent of the Choctaw Indians to go from that old Choctaw Nation which was partly in Mississippi and partly in Alabama to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty; they preferred to stay back in the old Choctaw Nation in Mississippi; in order therefore to protect the interests of those Indians who stayed back in that old Choctaw Nation in Mississippi article fourteen was drafted and put into the treaty of 1830; a n article in a treaty is one of its paragraphs or sub divisions ; now article fourteen is that portion of the treaty of 1830 under which you make your claim today and is as follows.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permited to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the

privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with that article of that treaty? A No sir, I don't know as they did.
Q What is the name of your ancestor through whom you make your claim now to be identified as a Mississippi Choctaw? A Susannah Miller.
Q Was that her maiden name or her married name? A Her married name.
Q What was her maiden name, do you know? A Arthur.
Q Susannah Arthur who married a man named Miller? A Married Stewart; my father's father Charles S. Stewart, my father's father and he died and then she married Miller.
Q Then your father is named after his father; has the same name?
A Yes sir.
Q But he does not get any Choctaw blood through his father?
A No sir.
Q It's through his mother Susannah Miller? A yes sir.
Q Then as I understand it her maiden name was Susannah Arthur and she first married Charles S. Stewart your grandfather and after his death married whom? A Miller.
Q What was the full name? A Tom.
Q What relation was Susannah Miller whose maiden name was Arthur to you? A My grandmother.
Q How much Choctaw blood did she have? A I dont know.
Q The only Choctaw blood that you claim is through Susannah Miller? A yes sir.
Q Do you know if she was born in Mississippi or not? A No she wasn't born in Mispissippi; I don't know where she was born; I don't remember
Q Did she live at any time in Mississippi? A yes sir she lived there I think - about -- at least twelve or fifteen years, somewhere a long there; I don't know for sure but I suppose it must be about twelve years, maybe more.
Q Do you know of any Choctaw ancestor of yours who lived in Mississippi and had a family in the year 1830 when that treaty was made? A Well I know that they said so . Grandma claims that they claimed-- always claimed relationship with the Perrys, they were Choctaw Indians who lived there -- always called them aunt and uncle.
Q Then you understand from members of the family that Susannah Miller lived and had a family in Mississippi in 1830? A Yes sir that's my understanding about it.
Q Where was she born if you know? A I cant tell you that for I dont know .
Q What years did she live in Mississippi? A I cant tell you exactly.
Q But did it include the year 1830? A I think so and I'm sure it was that length of time if not back of that.
Q She was married then? A No I dont think she was married in Mississippi?
Q She was living with her husband at that time? A No; she wasn't living with her husband I dont think.
Q They had been married? A Yes sir they had been married; she had been married to Stewart and Miller.
Q Did she have any children that you know of over seventy three years old? A No sir.
Q All her children would be younger than that? A I dont know

about that.
Q One husband died? A Yes sir; there ought to be some that old; yes, a daughter and son too would be that old; my mother's eighty five years old and some of them were older than my mother.
Q Then your grandmother had children who would be over seventy three years old if living? A Yes sir.
Q Did your grandmother Susannah Miller or any other ancestor of yours having Choctaw blood go to the United States Indian agent Colonel Ward within six months after the treaty of 1830 was ratified and tell him that they wanted to stay in Mississippi, take land and become citizens of the states?
A I have no knowledge of that.
Q Did you ever hear of Colonel William Ward the United States Indian agent? A yes I've heard of him but I never heard of grandma--
Q You never heard of your grandmother going to him? A No sir, nor my father either.
Q You dont know whether either of them went to him and claimed any rights as Choctaw Indians? A I do not.
Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation in Mississippi or Alabama five years after the treaty of 1830 was ratified and at the end of that time get a patent from the government for it? A I dont know whether they got a patent or not; I don't know anything about that.
Q Did they ever live on land which they received from the government? A I heard my mother say that my father bought land at public sale but had been living on the land quite a number of years before it was sold.
Q Do you know when he lived on it? A He lived on the bought land -- the free land first; he lived on the free land until the other was sold off; that's what my motherstates. That he had some land and that at the public sales when the land was sold he bought some more land.
Q And you think the land was sold at land sales of the government? A Yes sir.
Q Did he buy the land he was occupying or some other land?
A I think as well as mother stated, that he bought other land than that and that too back from the government, part of it; he had it already improved well.
Q Then he had improvements on land in Mississippi? A yes sir.
Q Do you know where that land was located? A Three miles of Coffeyville in Yalobusha ; I dont know in what direction; there a creek that runs in my father's land -- he used to own; the creek is named for him.
Q How many acres was there in that land? A I cant tell you - a good tract of it.
Q Did any of your Choctaw ancestors at any time go from the old Choctaw Nation east of the Mississippi river t the Choctaw Nation Indian Territory between the ratification of the treaty of 1830 and the date of this application made by you for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A Not that I know of.
Q Did any of them go with the other Indians at the expense of the government between 1833 and 1838 or forty? A I dont remember.

In 1837 by act of Congress that was approved March 3 of that year a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 by a nother act of Congress approved August 23 of that year a sec ond commission was appointed to go to Mississippi and hear those Choctaw Indians and their complaints The reason why these commissions were appointed was because of the fact that a good many Choctaw Indians claimed that they had gone before Colonel Ward the United States Indian agent

and had attempted to register under article fourteen of the treaty of 1830 within the time limited in that article but that Colonel Ward had refused to put their names down on his registry list and because of his refusal those lands were all taken from those Indians by the government and sold at its public land sales; I presume those are the sales you are speaking of when you - grandfather bought land.

Q Now do you know whether he or any of your Choctaw ancestors or whether your grandmother Susannah Miller went before either of those two commissions and claimed any benefits under article fourteen of the treaty of 1830? A I do not.

In 1842 by act of Congress approved August 23 1842 scrip was issued to Choctaw Indians, or certificates; these certificates or this scrip authorised the Indians who received it to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land that they had occupied in the old Choctaw nation and which the government had taken from them and sold.

Q Did Susannah Miller or any of your Choctaw ancestors get any of this scrip; do you know? A I dont know.
Q Do you understand or speak the Choctaw language? A I do not
Q Have you any other evidence in documentary form that you want to present now to the Commission - any papers or documents of any kind? A Well no, I haven,t.
Q Would you like a little time in which to introduce other testimony in this case; if so you will be allowed thirty days time? A Yes sir.

Thirty days time is allowed this applicant in which to introduce other proof in support of this application.

Affidavit of Martha Stewart mother of this applicant is presented by her, received, filed marked exibit A, and made part of the record in this case.

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This applicant has the appearance and physical characteristics of being descended from whiete parentage; has brown hair; dark blue eyes; medium dark complection; has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 3rd day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 12th day of February 1903.

Charles W. Swayne

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Cornelia A. Smith, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Cornelia A. Smith,	M.C.R. 6642
William Henry McGee, et al.	M.C.R. 6936
Ward Smith, et al.,	M.C.R. 6959
Alice Browne, et al.,	M.C.R. 6925
Martha F. Searcy, et al.,	M.C.R. 6943
Nancy Kendrick,	M.C.R. 6926
Lee Greer,	M.C.R. 6923
Samuel H. Smith,	M.C.R. 7367
Sarah J. Snodgrass,	M.C.R. 6963
Charles S. Stephens,	M.C.R. 6934
John B. Stephens,	M.C.R. 6808
Charles Stewart,	M.C.R. 6944
Martin G. Miller, et al.,	M.C.R. 7250
Robert N. Miller, et al.,	M.C.R. 7253
Mamye Hurley,	M.C.R. 6953
Bessie Sheppard,	M.C.R. 7252
Samuel D. Miller,	M.C.R. 7077
James E. Edens, et al.,	M.C.R. 7231
Susanna Pharr, et al.,	M.C.R. 7000
Charlie Pharr,	M.C.R. 7081
Lucy Richmond, et al.,	M.C.R. 7082
William J. Richmond, et al.,	M.C.R. 6931
Lillie Sumner, et al.,	M.C.R. 7084
Annie Richmond,	M.C.R. 7083
William Gilbert Miller, et al.	M.C.R. 6932
Annie L. Gotcher,	M.C.R. 6921
William P. Miller,	M.C.R. 6954
Charles W. Miller, et al.,	M.C.R. 6945
Arthur Miller, et al.,	M.C.R. 6937
Nollie Black, et al.,	M.C.R. 6939
Charley Dickson,	M.C.R. 6890
Lorenzo D. Miller, et al.,	M.C.R. 6922
William G. Miller, et al.,	M.C.R. 6643
Elmer D. Miller,	M.C.R. 6918
Martin G. Miller,	M.C.R. 6919
Thomas G. Miller,	M.C.R. 6924
Lody A. Colley, et al.,	M.C.R. 7002
Joanna Williams, et al.,	M.C.R. 6927
Rollye Jessup, et al.,	M.C.R. 6920
Mabel Williams,	M.C.R. 6940
Edna Dutton,	M.C.R. 6938

Harry Williams,	M.C.R. 6942
Harry Lucius Miller, et al.,	M.C.R. 6941
Josephine Waller, et al.,	M.C.R. 6903
Morris E. Peteet,	M.C.R. 6916
Thompson C. Morris,	M.C.R. 6908
Charles C. Carr, et al.,	M.C.R. 6952
Harry Carr, et al.,	M.C.R. 6968
Eva Lewellen, et al.,	M.C.R. 7001
John E. Carr,	M.C.R. 6909
Charles P. Griffin, et al.,	M.C.R. 6935

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of Cornelia A. Smith, to the Dawes Commission for identification as a Mississippi Choctaw----------	1
Affidavit of Martha Stewart----------	6
Affidavit of Cornelia Smith----------	7
Original application of William Henry McGee, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	8
Original application of Ward Smith, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	13
Certificate of O. M. Tabb ----------	18
Certificate of P. H. Rodgers----------	19
Original application of Alice Browne, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	20
Joint affidavit of Lee Greer and Peggie Smart----------	24
Original application of Martha F. Searcy, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	25
Original application of Nancy Kendrick, to the Dawes Commission for identification as a Mississippi Choctaw----------	30
Original application of Lee Greer to the Dawes Commission for identification as a Mississippi Choctaw----------	34

Original application of Samuel H. Smith, to the Dawes Commission for identification as a Mississippi Choctaw---------- 37

Affidavit of S. C. Broadstreet, M.D.---------- 41

Power of attorney from Samuel H. Smith to Nancy Kendrick---------- 42

Original application of Sarah J. Snodgrass to the Dawes Commission for identification as a Mississippi Choctaw---------- 43

Power of attorney from Sarah J. Snodgrass to Cornelia A. Smith---------- 47

Affidavit of S. C. Broadstreet, M.D.---------- 48

Original application of Charles S. Stephens to the Dawes Commission for identification as a Mississippi Choctaw---------- 49

Original application of John B. Stephens to the Dawes Commission for identification as a Mississippi Choctaw---------- 55

Joint affidavit of Cornelia A. Smith and Martha Stewart---------- 59

Original application of Charles Stewart to the Dawes Commission for identification as a Mississippi Choctaw---------- 60

Affidavits of Belle Suggs and Alice Browne---------- 65

Original application of Martin G. Miller, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 66

Original application of Robert N. Miller, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 71

Certified copy of marriage record of Robt. N. Miller and Mattie Lou Coffey---------- 75

Original application of Maxye Hurley to the Dawes Commission for identification as a Mississippi Choctaw---------- 76

Certified copy of marriage record of John Alonzo Hurley and Maymie Frances Miller---------- 81

Original application of Bessie Sheppard, to the Dawes Commission for identification as a Mississippi Choctaw---------- 82

Power of attorney from Bessie Sheppard to Claude E. Sheppard---------- 85

Certified copy of marriage record of C. E. Sheppard and Bessie Miller---------- 87

Original application of Samuel G. Miller to the Dawes Commission for identification as Mississippi Choctaws---------- 88

Certified copy of marriage record of H. B. Miller and Mollie Pharr---------- 92

Original application of James E. Edens et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 93

Certified copy of marriage record of E. C. Edens and J. E. Miller---------- 97

Power of attorney from J. E. Edens to E. C. Edens---------- 98

Original application of Susanna Pharr, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 100

Power of attorney from Susanna Pharr to B. H. Pharr---------- 103

Original application of Charlie Pharr, to the Dawes Commission for identification as a Mississippi Choctaw ---------- 104

Original application of Lucy Richmond, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 109

Certified copy of marriage record of William G. Miller and Nancy Burns---------- 114

Original application of William J. Richmond, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 115

Affidavit of Rev. W. J. Turner---------- 120

Certified copy of marriage record of W. J. Richmond and Mattie L. Carnes---------- 121

Original application of Lillie Sumner, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 122

Original application of Annie Richmond, to the Dawes Commission for identification as M Mississippi Choctaw---------- 126

Original application of William Gilbert Miller, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 130

Certified copy of marriage record of W. G. Miller and Mrs. M. R. Ramsey---------- 136

Affidavit of I. W. Clark---------- 137

Certificates of O. M. Tabb and P. H. Rodgers---------- 138

Original application of Annie L. Gotcher to the Dawes Commission for identification as a Mississippi Choctaw---------- 139

Power of attorney from A. L. Gotcher to Willia G. Miller---------- 144

Certificate of J. L. Methershed---------- 145

Certified copy of marriage record of H. K. Gotcher and Annie Miller---------- 146

Original application of William P. Miller to the Dawes Commission for identification as a Mississippi Choctaw---------- 147

Power of attorney from William P. Miller to William G. Miller---------- 151

Original application of Charles W. Miller, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 152

Affidavit of A. N. Bell---------- 158

Certificate of F. M. Smith---------- 159

Original application of Arthur Miller, et al. to the Dawes Commission for identification as Mississippi Choctaws---------- 160

Certified copy of marriage record of Arthur Miller and Mrs. M. E. Parchman---------- 165

Original application of Nollie Black, et al. to the Dawes Commission for identification as Mississippi Choctaws---------- 166

Certified copy of marriage record of Arthur G. Miller and Eliza A. Guest---------- 171

Original application of Charley Dickson to the Dawes Commission for identification as a Mississippi Choctaw---------- 172

Affidavit of J. E. Carr---------- 176

Original application of Lorenzo D. Miller, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 177

Certified copy of marriage record of L. D. Miller and Lou Ella Exum---------- 184

Original application of William G. Miller, et al. to the Dawes Commission for identification as Mississippi Choctaws---------- 186

Testimony of Solomon Carr, et al.-- ---------- 190

Affidavit of J. L. Sanders---------- 195

Affidavit of Cornelia A. Smith---------- 196

Original application of Elmer D. Miller to the Dawes Commission for identification as a Mississippi Choctaw---------- 197

Marriage record of W. O. Carpenter and N. J. Johnson---------- 201

Original application of Martin G. Miller to the Dawes Commission for identification as a Mississippi Choctaw---------- 202

Original application of Thomas C. Miller to the DawesCommission for identification as a Mississippi Choctaw---------- 206

Original application of Lody A. Colley , et al. to the Dawes Commission for identification as Mississippi Choctaws---------- 210

Certificate of Dr. I. R. Riddle---------- 214

Joint affidavit of Wilburn Colley and W.F.Black-------- 215

Joint affidavit of D. W. Colley and L.A.Colley--------- 216

Affidavit of L. A. Colley---------- 216

Certified copy of marriage record of D. W. Colley and L. A. Miller---------- 217

Affidavit of H. B. Carr---------- 218

Certificate of O. M. Tabb---------- 219

Original application of Joanna Williams, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 220

Power of attorney from Joanna Williams to David G. Williams---------- 225

Certificate of A. L. Burford---------- 226

Affidavit of J. S. Miller, M. D.---------- 227

Affidavit of Martha Stewart---------- 228

Affidavit of Martha Stewart---------- 229

Affidavit of Sarah Jane Snodgrass---------- 230

Original application of Nollye Jessup, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 231

Original application of Mabel Williams to the Dawes Commission for identification as a Mississippi Choctaw---------- 235

Original application of Edna Dutton to the Dawes Commission for identification as a Mississippi Choctaw---------- 239

Original application of Harry Williams to the Dawes Commission for identification as a Mississippi Choctaw---------- 243

Original application of Harry Lucius Miller, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 247

Certified copy of marriage record of H. L. Miller and Millie Taliaferro---------- 252

Affidavit of Sarah Jane Snodgrass---------- 253

Original application of Josephine Waller, et al. for enrollment as Choctaws by blood---------- 254

Affidavit of W. N. Price---------- 257

Affidavit of W. H. Sanders---------- 258

Affidavit of Jordan A. Smith---------- 259

Additional testimony of Josephine Waller---------- 261

Decision of the Commission refusing the application of Josephine Waller, et al., for enrollment as citizens by blood---------- 262

Copy of letter of Commission addressed to Josephine Waller---------- 263

Registry receipt---------- 263

Letter of Commission addressed to Josephine Waller----- 265

Letter of Commission addressed to Josephine Waller----- 267

Envelope which contained letter addressed to Josephine Waller---------- 270

Registry receipt---------- 271

Original application of Josephine Waller, et al. to the Dawes Commission for identification as Mississippi Choctaws---------- 272

Original application of Morris E. Peteet to the DawesCommission for identification as a Mississippi Choctaw---------- 275

Original application of Thompson C. Morris, to the Dawes Commission for identification as a Mississippi Choctaw---------- 279

Original application of Charles C. Carr, et al. to the Dawes Commission for identification as Mississippi Choctaws---------- 282

Original application of Harry Carr, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 287

Original application of Eva Lewellen, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 292

Power of attorney from Eva Lewellen to Lewis Lewellen---------- 295

Certificate of A. L. Burford---------- 296

Affidavit of S. C. Broadstreet, M.C.R.---------- 297

Marriage record of L. A. Lewellen and Eva Carr--------- 298

Original application of John E. Carr to the Dawes Commission for identification as a Mississippi Choctaw---------- 299

Original application of Charles P. Griffin, et al., to the Dawes Commission for identification as Mississippi Choctaws---------- 304

Petition of applicants signed by Noland Hyson and J. A. Hurley, attorneys for petitioners---------- 309

Commission to take deposition of Agnes Belamer--------- 318

Caption to deposition of Agnes Belamer---------- 319

Direct interrogatories propounded to Agnes Belamer----- 320

Answer to direct interrogatories propounded to Agnes Belamer---------- 323

Cross interrogatories propounded to Agnes Belamer------ 325

Certificate of W. F. Jones---------- 335

Envelope which contained deposition of Agnes Belamer--- 336

Decision of the Commission refusing the applications in the consolidated case of Cornelia A. Smith, et al., for identification as Mississippi Choctaws---------- 337

---o---

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Cornelia A. Smith, et al., for identification as Mississippi Choctaws, consolidating the applications of:

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William Henry McGee, et al.,	M.C.R. 6936
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Nancy Kendrick,	M.C.R. 6926
Lee Greer,	M.C.R. 6923
Samuel H. Smith,	M.C.R. 7367
Sarah J. Snodgrass,	M.C.R. 6963
Charles S. Stephens,	M.C.R. 6934
John B. Stephens,	M.C.R. 6808
Charles Stewart,	M.C.R. 6944
Martin G. Miller, et al.,	M.C.R. 7250
Robert N. Miller, et al.,	M.C.R. 7253
Mamye Hurley,	M.C.R. 6953
Bessie Sheppard,	M.C.R. 7252
Samuel D. Miller,	M.C.R. 7077
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Charlie Pharr,	M.C.R. 7081
Lucy Richmond, et al.,	M.C.R. 7082
William J. Richmond, et al.,	M.C.R. 6931
Lillie Sumner, et al.,	M.C.R. 7084
Annie Richmond,	M.C.R. 7083
William Gilbert Miller, et al.,	M.C.R. 6932
Annie L. Gotcher,	M.C.R. 6921
William P. Miller,	M.C.R. 6954
Charles W. Miller, et al.,	M.C.R. 6945
Arthur Miller, et al.,	M.C.R. 6937
Nollie Black, et al.,	M.C.R. 6939
Charley Dickson,	M.C.R. 6890
Lorenzo D. Miller, et al.,	M.C.R. 6922
William G. Miller, et al.,	M.C.R. 6643
Elmer D. Miller,	M.C.R. 6918
Martin G. Miller,	M.C.R. 6919

Thomas C. Miller,	M.C.R. 6924
Lody A. Colley, et al.,	M.C.R. 7002
Joanna Williams, et al.,	M.C.R. 6927
Nollye Jessup, et al.,	M.C.R. 6920
Mabel Williams,	M.C.R. 6940
Edna Dutton,	M.C.R. 6938
Harry Williams,	M.C.R. 6942
Harry Lucius Miller, et al.,	M.C.R. 6941
Josephine Waller, et al.,	M.C.R. 6903
Morris E. Peteet,	M.C.R. 6916
Thompson C. Morris,	M.C.R. 6908
Charles C. Carr, et al.,	M.C.R. 6952
Harry Carr, et al.,	M.C.R. 6968
Eva Lewellen, et al.,	M.C.R. 7001
John E. Carr,	M.C.R. 6909
Charles P. Griffin, et al.,	M.C.R. 6935

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Cornelia A. Smith for herself; by William J. McGee for his two minor children, William Henry and Wirt McGee; by Cornelia A. Smith for her two minor wards, Ward and Gertrude Smith; by Alice Browne for herself and her minor child, Bessie Hargrove; by Martha P. Searcy for herself and her two minor children, Joe and Grace Searcy; by Nancy Kendrick for herself; by Lee Greer for herself; by Nancy Kendrick for Samuel H. Smith; by Cornelia A. Smith for her sister, Sarah J. Snodgrass; by Charles S. Stephens for himself; by John B. Stephens for himself; by Charles Stewart for himself; by Martin G. Miller for himself and his minor child, Edwin B. Miller; by Robert N. Miller for himself and his two minor children, Robert and Louise Miller; by John A. Hurley for his wife, Mamye Hurley; by Claude E. Sheppard for his wife, Bessie Sheppard; by Samuel D. Miller for himself; by Edley C. Edens for his five minor children,

James E., Serepta J., Tolbert S., Mollie C. and Ethel E. Edens; by B. H. Pharr for his wife, Susanna Pharr, and his four minor children,,Ollie, Dollie, Louis and Ben Pharr; by Charlie Pharr for himself; by Lucy Richmond for herself and her three minor children, Alma, Alvin and Ethel Richmond; by William J. Richmond for himself and his three minor children, Nellie, Corinne and Bryan Richmond; by Lillie Sumner for herself and her minor child, Myra Sumner; by Annie Richmond for herself; by William Gilbert Miller for himself and his three minor children, Martin G., Mattie C. and Kate E. Miller; by William G. Miller for his daughter, Annie L. Gotcher; by William G. Miller for his son, William P. Miller; byCharles W. Miller for himself and his two minor children, Martin Gilbert and Mildred Emma Miller; by Arthur Miller for himself and his minor child, Jack Miller; by Nollie Black for herself and her four minor children, Lena, Oreda, Willie Lou and Bun Black; by Charley Dickson for herself; by Lorenzo D. Miller for himself and his minor child, Winnie D. Miller; by William G. Miller for himself and his three minor children, Catherine, Lorenza D. and Pauline Miller; by Elmer D. Miller for himself; by Martin G. Miller for himself; by Thomas C. Miller for himself; by David W. Colley for his wife, Lody A. Colley, and his seven minor children, David R., John S., Claudius C., Thomas C., Mary Belle, Martin M. and Eva May Colley; by Davis G. Williams for his wife, Joanna Williams and his three minor children, Davis, Earl and Eugene Williams; by Nellye Jessup for herself and her four minor children, Thelma, Jack, Hortense and Joe Jessup; by Mabel Williams for herself; by Edna Dutton for herself; by Harry Williams for himself; by Willie Miller for her three minor children, Harry Lucius, Duncan and Lodebar Miller; by Josephine Waller for herself and her minor child, John T. Peteet; by Morris E. Peteet for himself; by Thompson C. Morris for himself; by Charles C. Carr for himself and his four

minor children, Ethel, Kathleen, Lonna and Charles Carr; by Harry Carr for himself and his seven minor children, Harry Jr., Pat, Charlie, Milridge, George, Kate and Bill Carr; by Lewis Lewellen for his wife, Eva Lewellen and his two minor children, Maurice and Luella Lewellen; by John E. Carr for himself and by Charles P. Griffin for himself and his minor child, Grace Griffin, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants, except those embraced in M.C.R. 7231, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Susannah (or Susana, or Susanna, or Susan) Miller, formerly Stewart (nee Arthur), who is alleged to have been either an one-half or a full-blood Choctaw Indian, to have resided in Mississippi in eighteen hundred and thirty; and that the applicants embraced in M.C.R. 7231 claim said rights by reason of being descendants of William G. Miller, who is alleged to have been a quarter blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian

Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Susannah (or Susana, or Susanna, or Susan) Miller, formerly Stewart (nee Arthur), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelia A. Smith, William Henry McGee, Wirt McGee, Ward Smith, Gertrude Smith, Alice Browne, Bessie Hargrove, Martha F. Searcy, Joe Searcy, Grace Searcy, Nancy Kendrick, Lee Greer, Samuel W. Smith, Sarah J. Snodgrass, Charles S. Stephens, John R. Stephens, Charles Stewart, Martin C. Miller, Edwin R. Miller, Robert E. Miller, Robert Miller, Louise Miller, Mamye Burley, Bessie Sheppard, Samuel D. Miller, James E. Edens, Sarepta J. Edens, Tolbert S. Edens, Mollie C. Edens, Ethel E. Edens, Susanna Pharr, Ollie Pharr, Dollie Pharr, Louis Pharr, Ben Pharr, Charlie Pharr, Lucy Richmond, Alma Richmond, Alvin Richmond, Ethel Richmond, William J. Richmond, Nellie Richmond, Corinne Richmond, Bryan Richmond, Lillie Sumner, Myra Sumner, Annie Richmond, William Gilbert Miller, Martin C. Miller (2), Mattie C. Miller, Kate R. Miller, Annie L. Gotcher, William P.

Miller, Charles W. Miller, Martin Gilbert Miller, Mildred Emma Miller, Arthur Miller, Jack Miller, Nollie Black, Lena Black, Oreda Black, Willie Lou Black, Bun Black, Charley Dickson, Lorenzo D. Miller, Winnie D. Miller, William G. Miller, Catherine Miller, Lorenza D. Miller, Pauline Miller, Elmer D. Miller, Martin G. Miller (3), Thomas C. Miller, Lody A. Colley, David R. Colley, John S. Colley, Claudius C. Colley, Thomas C. Colley, Mary Belle Colley, Martin M. Colley, Eva May Colley, Joanna Williams, Davis Williams, Earl Williams, Eugene Williams, Nollye Jessup, Thelma Jessup, Jack Jessup, Hortense Jessup, Joe Jessup, Mabel Williams, Edna Dutton, Harry Williams, Harry Lucius Miller, Duncan Miller, Lodebar Miller, Josephine Waller, John T. Peteet, Morris E. Peteet, Thompson C. Morris, Charles C. Carr, Ethel Carr, Kathleen Carr, Lonna Carr, Charles Carr, Harry Carr, Harry Carr, Jr., Pat Carr, Charlie Carr, Milridge Carr, George Carr, Kate Carr, Bill Carr, Eva Lewellen, Maurice Lewellen, Lucila Lewellen, John E. Carr, Charles P. Griffin and Grace Griffin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 11 1904

COPY

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Cornelia A. Smith, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Cornelia A. Smith,	M.C.R. 6642
William Henry McGee, et al.,	M.C.R. 6936
Ward Smith, et al.,	M.C.R. 6959
Alice Browne, et al.,	M.C.R. 6925
Martha F. Searcy, et al.,	M.C.R. 6943
Nancy Kendrick,	M.C.R. 6926
Lee Greer,	M.C.R. 6923
Samuel H. Smith,	M.C.R. 7367
Sarah J. Snodgrass,	M.C.R. 6963
Charles S. Stephens,	M.C.R. 6934
John B. Stephens,	M.C.R. 6808
Charles Stewart,	M.C.R. 6944
Martin G. Miller, et al.,	M.C.R. 7250
Robert M. Miller, et al.,	M.C.R. 7253
Mamye Hurley,	M.C.R. 6953
Bessie Sheppard,	M.C.R. 7252
Samuel D. Miller,	M.C.R. 7077
James E. Edens, et al.,	M.C.R. 7231
Susanna Pharr, et al.,	M.C.R. 7000
Charlie Pharr,	M.C.R. 7081
Lucy Richmond, et al.,	M.C.R. 7082
William J. Richmond, et al.,	M.C.R. 6931
Lillie Sumner, et al.,	M.C.R. 7084
Annie Richmond,	M.C.R. 7083
William Gilbert Miller, et al.,	M.C.R. 6932
Annie L. Gotcher,	M.C.R. 6921
William P. Miller,	M.C.R. 6954
Charles W. Miller, et al.,	M.C.R. 6945
Arthur Miller, et al.,	M.C.R. 6937
Nollie Black, et al.,	M.C.R. 6939
Charley Dickson,	M.C.R. 6890
Lorenzo D. Miller, et al.,	M.C.R. 6922
William G. Miller, et al.,	M.C.R. 6643
Elmer D. Miller,	M.C.R. 6918
Martin G. Miller,	M.C.R. 6919

Thomas C. Miller,	M.C.R. 6924
Lody A. Colley, et al.,	M.C.R. 7002
Joanna Williams, et al.,	M.C.R. 6927
Nollye Jessup, et al.,	M.C.R. 6920
Mabel Williams,	M.C.R. 6940
Edna Dutton,	M.C.R. 6938
Harry Williams,	M.C.R. 6942
Harry Lucius Miller, et al.,	M.C.R. 6941
Josephine Waller, et al.,	M.C.R. 6903
Morris E. Peteet,	M.C.R. 6916
Thompson C. Morris,	M.C.R. 6908
Charles C. Carr, et al.,	M.C.R. 6952
Harry Carr, et al.,	M.C.R. 6968
Eva Lewellen, et al.,	M.C.R. 7001
John E. Carr,	M.C.R. 6909
Charles P. Griffin, et al.,	M.C.R. 6935

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Cornelia A. Smith for herself; by William J. McGee for his two minor children, William Henry and Wirt McGee; by Cornelia A. Smith for her two minor wards, Ward and Gertrude Smith; by Alice Browne for herself and her minor child, Bessie Hargrove; by Martha F. Searcy for herself and her two minor children, Joe and Grace Searcy; by Nancy Kendrick for herself; by Lee Greer for herself; by Nancy Kendrick for Samuel H. Smith; by Cornelia A. Smith for her sister, Sarah J. Snodgrass; by Charles S. Stephens for himself; by John B. Stephens for himself; by Charles Stewart for himself; by Martin G. Miller for himself and his minor child, Edwin B. Miller; by Robert N. Miller for himself and his two minor children, Robert and Louise Miller; by John A. Hurley for his wife, Mamye Hurley; by Claude E. Sheppard for his wife, Bessie Sheppard; by Samuel D. Miller for himself; by Edley C. Edens for his five minor children,

James E., Serepta J., Tolbert S.; Mollie C. and Ethel R. Edens; by R. H. Pharr for his wife, Susanna Pharr, and his four minor children,,Ollie, Dollie, Louis and Ben Pharr; by Charlie Pharr for himself; by Lucy Richmond for herself and her three minor children, Alma, Alvin and Ethel Richmond; by William J. Richmond for himself and his three minor children, Nellie, Corinne and Bryan Richmond; by Lillie Sumner for herself and her minor child, Myra Sumner; by Annie Richmond for herself; by William Gilbert Miller for himself and his three minor children, Martin G., Mattie G. and Kate R. Miller; by William G. Miller for his daughter, Annie L. Gotcher; by William G. Miller for his son, William P. Miller; byCharles W. Miller for himself and his two minor children, Martin Gilbert and Mildred Emma Miller; by Arthur Miller for himself and his minor child, Jack Miller; by Nollie Black for herself and her four minor children, Lena, Oreda, Willie Lou and Bun Black; by Charley Dickson for herself; by Lorenzo D. Miller for himself and his minor child, Winnie D. Miller; by William G. Miller for himself and his three minor children, Catherine, Lorenza D. and Pauline Miller; by Elmer D. Miller for himself; by Martin G. Miller for himself; by Thomas C. Miller for himself; by David W. Colley for his wife, Lody A. Colley, and his seven minor children, David R., John S., Claudius C., Thomas C., Mary Belle, Martin M. and Eva May Colley; by Davis G. Williams for his wife, Joanna Williams and his three minor children, Davis, Earl and Eugene Williams; by Nollye Jessup for herself and her four minor children, Thelma, Jack, Hortense and Joe Jessup; by Mabel Williams for herself; by Edna Dutton for herself; by Harry Williams for himself; by Millie Miller for her three minor children, Harry Lucius, Duncan and Lodeber Miller; by Josephine Waller for herself and her minor child, John T. Poteet; by Morris H. Poteet for himself; by Thompson C. Morris for himself; by Charles C. Carr for himself and his four

minor children, Ethel, Kathleen, Lonna and Charles Carr; by Harry Carr for himself and his seven minor children, Harry Jr., Pat, Charlie, Milridge, George, Kate and Bill Carr; by Lewis Lewellen for his wife, Eva Lewellen and his two minor children, Maurice and Luella Lewellen; by John E. Carr for himself and by Charles P. Griffin for himself and his minor child, Grace Griffin, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants, except those embraced in M.C.R. 7231, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Susannah (or Susana, or Susanna, or Susan) Miller, formerly Stewart (nee Arthur), who is alleged to have been either an one-half or a full-blood Choctaw Indian, to have resided in Mississippi in eighteen hundred and thirty; and that the applicants embraced in M.C.R. 7231 claim said rights by reason of being descendants of William O. Miller, who is alleged to have been a quarter blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian

Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Susannah (or Susana, or Susanna, or Susan) Miller, formerly Stewart (nee Arthur), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelia A. Smith, William Henry McGee, Wirt McGee, Ward Smith, Gertrude Smith, Alice Browne, Bessie Hargrove, Martha F. Searcy, Joe Searcy, Grace Searcy, Nancy Kendrick, Lee Greer, Samuel H. Smith, Sarah J. Snodgrass, Charles S. Stephens, John R. Stephens, Charles Stewart, Martin C. Miller, Edwin B. Miller, Robert N. Miller, Robert Miller, Louise Miller, Mamye Hurley, Bessie Sheppard, Samuel D. Miller, James E. Edens, Carepta J. Edens, Tolbert S. Edens, Mollie C. Edens, Ethel R. Edens, Susanna Pharr, Ollie Pharr, Dollie Pharr, Louis Pharr, Ben Pharr, Charlie Pharr, Lucy Richmond, Alma Richmond, Alvin Richmond, Ethel Richmond, William J. Richmond, Nellie Richmond, Corinne Richmond, Bryan Richmond, Lillie Sumner, Myra Sumner, Annie Richmond, William Gilbert Miller, Martin C. Miller (2), Mattie G. Miller, Kate R. Miller, Annie L. Gotcher, William P.

Miller, Charles W. Miller, Martin Gilbert Miller, Mildred Emma Miller, Arthur Miller, Jack Miller, Nellie Black, Lena Black, Oreda Black, Willie Lou Black, Bun Black, Charley Dickson, Lorenzo D. Miller, Winnie D. Miller, William G. Miller, Catherine Miller, Lorenza D. Miller, Pauline Miller, Elmer D. Miller, Martin G. Miller (3), Thomas C. Miller, Lody A. Colley, David R. Colley, John S. Colley, Claudius C. Colley, Thomas C. Colley, Mary Belle Colley, Martin M. Colley, Eva May Colley, Joanna Williams, Davis Williams, Earl Williams, Eugene Williams, Nollye Jessup, Thelma Jessup, Jack Jessup, Hortense Jessup, Joe Jessup, Mabel Williams, Edna Dutton, Harry Williams, Harry Lucius Miller, Duncan Miller, Lodebar Miller, Josephine Waller, John T. Peteet, Morris E. Peteet, Thompson C. Morris, Charles C. Carr, Ethel Carr, Kathleen Carr, Lonna Carr, Charles Carr, Harry Carr, Harry Carr, Jr., Pat Carr, Charlie Carr, Milridge Carr, George Carr, Kate Carr, Bill Carr, Eva Lewellen, Maurice Lewellen, Luella Lewellen, John E. Carr, Charles P. Griffin and Grace Griffin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGN) Tams Bixby
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 11 1901

M C R 6643
6937
M C R 6642

Muskogee, Indian Territory, March 30, 1903.

Arthur Miller,

Mt. Pleasant, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing certified copy of marriage license and certificate between Arthur Miller and Mrs. M. E. Parchman offered in support of application made by Arthur Miller for the identification of himself and minor child as Mississippi Choctaws.

Also affidavit of Cornelia A. Smith relative to the marriage of Martin Miller and Rebecca Kelley offered in support of the applications made by Arthur and William G. Miller for the identification of themselves and families as Mississippi Choctaws.

Said documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

M C R 6642

Muskogee, Indian Territory, March 31, 1903.

Cornelia A. Smith,

Mt. Pleasant, Texas.

Dear Madam:

Receipt is hereby acknowledged of your affidavit offered in support of the application made by you for identification as a Mississippi Choctaw. Said affidavit has been filed with the record in your case.

Respectfully,

Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
April 11, 1903.

-:-

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the following Mississippi Choctaw Cases:

Jesse W. Cooper, et al.,	M	& R	6666
James Albert Floyd, et al.,	"		6667
Isaac Noland, et al.,	"		7145
Richard Bolton, et al.,	"		7146
Robert A. Caldwell, et al.,	"		7404
Cornelia A. Smith,	"		6642
Also copy of testimony of Solomon Carr and J. B. Bickerstaff in	"		6642

Atty for claimant

M C R 6642

Muskogee, Indian Territory, April 30, 1903.

M. G. Miller,

Sulphur Springs, Texas.

Dear Sir:

There is enclosed you herewith one copy of the decision of the Commission granting an extension of time in the consolidated Mississippi Choctaw case of Cornelia A. Smith, et al., until Monday, May 25, 1903.

Respectfully,

Chairman.

MoM 7-11

M C R 6642

Muskogee, Indian Territory, May 25, 1903.

J. A. Hurley,

Sulphur Springs, Texas.

Dear Sir:

The Commission is inreceipt of the affidavit of M. G. Miller, wherein he sets forth his reason for desiring to have certain depositions taken in support of his application for identification as a Mississippi Choctaw; also interrogatories to be propounded to said witness with proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of Cornelia A. Smith, et al.? M C R 6642, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of this deposition and the same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Chairman.

M.C.R. 6642.

Muskogee, Indian Territory, July 1, 1903.

J. A. Hurley,

Attorney-at-Law,

Sulphur Springs, Texas.

Sir:

Enclosed please find commission to take the deposition of Agnes Belamer, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Cornelia A. Smith, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Chairman.

Enclosures:
J.D. #1.

M.C.R. 6642.

Muskogee, Indian Territory, July 3, 1903.

J. A. Hurley,

Attorney-at-Law,

Sulphur Springs, Texas.

Sir:

The Commission is in receipt of the affidavit of M. G. Miller, wherein he sets forth his reasons for desiring to have a certain deposition taken in support of his application for identification as a Mississippi Choctaw; also interrogatories to be propounded to said witness with proof of service of copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form, have been filed with and made a part of the record in the application of Cornelia A. Smith, et al., 6642, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of this deposition and the same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

COPY.

M.C.M.6642

Muskogee, Indian Territory, March 14, 1904.

Cornelia A. Smith,

Mount Pleasant, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

[redacted]

Commissioner in Charge.

Registered.

COPY. M.C.R. 6642

Muskogee, Indian Territory, March 14, 1904.

Givens & Jackson,

Atterneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith et al., which embraces the following cases:

Cornelia A. Smith,	M.C.R. 6642
William Henry McGee et al.,	M.C.R. 6936
Ward Smith et al.,	M.C.R. 6959
Alice Browne et al.,	M.C.R. 6925
Martha F. Searcy et al.,	M.C.R. 6943
Nancy Kendrick,	M.C.R. 6926
Lee Greer	M.C.R. 6923
Samuel H. Smith,	M.C.R. 7367
Sarah J. Snodgrass,	M.C.R. 6963
Charles S. Stephens,	M.C.R. 6934
John B. Stephens,	M.C.R. 6808
Charles Stewart,	M.C.R. 6944
Martin G. Miller et al.,	M.C.R. 7250
Robert N. Miller, et al.,	M.C.R. 7253
Mamye Hurley,	M.C.R. 6953
Bessie Sheppard,	M.C.R. 7252
Samuel D. Miller,	M.C.R. 7077
James E. Edens et al.,	M.C.R. 7231
Susanna Pharr et al.,	M.C.R. 7000
Charlie Pharr,	M.C.R. 7061
Lucy Richmond et al.,	M.C.R. 7062
William J. Richmond et al.,	M.C.R. 6931
Lillie Sumner et al.,	M.C.R. 7084

Annie Richmond,	M.C.R. 7083
William Gilbert Miller et al,	M.C.R. 6932
Annie L. Gotcher,	M.C.R. 6921
William P. Miller,	M.C.R. 6954
Charles W. Miller et al.,	M.C.R. 6945
Arthur Miller et al.,	M.C.R. 6937
Nellie Black et al.,	M.C.R. 6939
Charley Dickson,	M.C.R. 6890
Lorenzo D. Miller et al.,	M.C.R. 6922
William G. Miller et al.,	M.C.R. 6643
Elmer D. Miller,	M.C.R. 6918
Martin G. Miller,	M.C.R. 6919
Thomas C. Miller,	M.C.R. 6924
Lody A. Colley et al.,	M.C.R. 7002
Joanna Williams et al.,	M.C.R. 6927
Nollye Jessup et al.,	M.C.R. 6920
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Harry Williams,	M.C.R. 6942
Harry Lucius Miller et al.,	M.C.R. 6941
Josephine Waller et al.,	M.C.R. 6903
Morris R. Peteet,	M.C.R. 6916
Thompson C. Morris,	M.C.R. 6908
Charles C. Carr et al.,	M.C.R. 6952
Harry Carr et al.,	M.C.R. 6968
Eva Lewellen et al.,	M.C.R. 7001
John R. Carr,	M.C.R. 6909
Charles P. Griffin et al.,	M.C.R. 6935.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Commissioner in Charge.

COPY.

M.C.R. 6642

Muskogee, Indian Territory, March 14, 1904.

Noland Hynson,

Attorney at Law,

Hugo, Indian Territory,

Dear Sir:

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Sarah J. Snodgrass,	M.C.R. 6963
Charles S. Stephens,	M.C.R. 6934
John B. Stephens,	M.C.R. 6808
Charles Stewart,	M.C.R. 6944
Martin G. Miller et al.,	M.C.R. 7250
Robert N. Miller et al.,	M.C.R. 7253
Mamye Hurley,	M.C.R. 6953
Bessie Sheppard,	M.C.R. 7252
Samuel D. Miller,	M.C.R. 7077
James E. Edens et al.,	M.C.R. 7231
Susanna Pharr et al.,	M.C.R. 7000
Charlie Pharr,	M.C.R. 7081
Lucy Richmond et al.,	M.C.R. 7082
William J. Richmond et al.,	M.C.R. 6931
Lillie Sumner et al.,	M.C.R. 7084

Annie Richmond,	M.C.R. 7083
William Gilbert Miller et al,	M.C.R. 6932
Annie L. Gotcher,	M.C.R. 6921
William P. Miller,	M.C.R. 6954
Charles W. Miller et al.,	M.C.R. 6945
Arthur Miller et al.,	M.C.R. 6937
Mollie Black et al.,	M.C.R. 6939
Charley Dickson,	M.C.R. 6890
Lorenzo D. Miller et al.,	M.C.R. 6922
William G. Miller et al.,	M.C.R. 6643
Elmer D. Miller,	M.C.R. 6918
Martin G. Miller,	M.C.R. 6919
Thomas C. Miller,	M.C.R. 6924
Lody A. Colley et al.,	M.C.R. 7002
Joanna Williams et al.,	M.C.R. 6927
Mollye Jessup et al.,	M.C.R. 6920
Mabel Williams,	M.C.R. 6940
Edna Dutton,	M.C.R. 6938
Harry Williams,	M.C.R. 6942
Harry Lucius Miller et al.,	M.C.R. 6941
Josephine Waller et al.,	M.C.R. 6903
Morris E. Peteet,	M.C.R. 6916
Thompson C. Morris,	M.C.R. 6908
Charles C. Carr et al.,	M.C.R. 6952
Henry Carr et al.,	M.C.R. 6968
Eva Lewellen et al.,	M.C.R. 7001
John E. Carr,	M.C.R. 6909
Charles P. Griffin et al.,	M.C.R. 6935.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

COPY: M.C.R. 6642

Muskogee, Indian Territory, March 14, 1904.

J. A. Hurley,

Attorney at Law,

Sulphur Springs, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., which embraces the following cases:

Cornelia A. Smith,	M.C.R. 6642
William Henry McGee et al.,	M.C.R. 6936
Ward Smith et al.,	M.C.R. 6959
Alice Browne et al.,	M.C.R. 6925
Martha F. Searcy et al.,	M.C.R. 6943
Nancy Kendrick	M.C.R. 6926
Lee Greer	M.C.R. 6923
Samuel H. Smith,	M.C.R. 7367
Sarah J. Snodgrass,	M.C.R. 6963
Charles S. Stephens,	M.C.R. 6934
John B. Stephens,	M.C.R. 6808
Charles Stewart,	M.C.R. 6944
Martin G. Miller et al.,	M.C.R. 7250
Robert N. Miller et al.,	M.C.R. 7253
Mamye Hurley,	M.C.R. 6953
Bessie Sheppard,	M.C.R. 7252
Samuel D. Miller,	M.C.R. 7077
James M. Edens et al.,	M.C.R. 7231
Susanna Pharr et al.,	M.C.R. 7000
Charlie Pharr	M.C.R. 7081
Lucy Richmond et al.,	M.C.R. 7082
William J. Richmond et al.,	M.C.R. 6931
Lillie Sumner et al.,	M.C.R. 7084

Annie Richmond,	M.C.R. 7083
William Gilbert Miller et al.,	M.C.R. 6932
Annie L. Gotcher,	M.C.R. 6921
William P. Miller,	M.C.R. 6954
Charles W. Miller et al.,	M.C.R. 6945
Arthur Miller et al.,	M.C.R. 6937
Nollie Black et al.,	M.C.R. 6939
Charley Dickson,	M.C.R. 6890
Lorenzo D. Miller et al.,	M.C.R. 6922
William G. Miller et al.,	M.C.R. 6643
Elmer D. Miller,	M.C.R. 6918
Martin G. Miller,	M.C.R. 6919
Thomas C. Miller,	M.C.R. 6924
Lody A. Colley et al.,	M.C.R. 7002
Joanna Williams et al.,	M.C.R. 6927
Nollye Jessup et al.,	M.C.R. 6920
Mabel Williams,	M.C.R. 6940
Edna Dutton,	M.C.R. 6938
Harry Williams,	M.C.R. 6942
Harry Lucius Miller et al.,	M.C.R. 6941
Josephine Waller et al.,	M.C.R. 6903
Morris E. Peteet,	M.C.R. 6916
Thompson C. Morris,	M.C.R. 6908
Charles C. Carr et al.,	M.C.R. 6952
Harry Carr et al.,	M.C.R. 6968
Eva Lewellen et al.,	M.C.R. 7001
John E. Carr,	M.C.R. 6909
Charles P. Griffin et al.,	M.C.R. 6935.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 6642

Muskogee, Indian Territory, March 14, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered March 14, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al.

You are hereby advised that you and the applicants in this case will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Enc. MCR.6642.

COPY.

Muskogee, Indian Territory, March 30, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Cornelia A. Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 14, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

Cornelia A. Smith	M C R 6642
William Henry McGee, et al.,	M C R 6936
Ward Smith, et al.,	M C R 6959
Alice Browne, et al.,	M C R 6925
Martha F. Searcy, et al.,	M C R 6943
Nancy Kendrick,	M C R 6926
Lee Greer	M C R 6923
Samuel H. Smith,	M C R 7367
Sarah J. Snodgrass,	M C R 6963
Charles S. Stephens,	M C R 6934
John B. Stephens,	M C R 6808
Charles Stewart,	M C R 6944
Martin G. Miller, et al.,	M C R 7250
Robert N. Miller, et al.,	M C R 7253
Mamye Hurley,	M C R 6953
Bessie Sheppard,	M C R 7252
Samuel D. Miller,	M C R 7077
James E. Edens, et al.,	M C R 7231
Susanna Pharr, et al.,	M C R 7000
Charlie Pharr,	M C R 7081
Lucy Richmond, et al.,	M C R 7082
William J. Richmond, et al.,	M C R 6931

Lillie Sumner, et al.,	M C R 7084
Annie Richmond,	M C R 7083
William Gilbert Miller, et al,	M C R 6932
Annie L. Gotcher,	M C R 6921
William P. Miller,	M C R 6954
Charles W. Miller, et al.,	M C R 6945
Arthur Miller, et al.,	M C R 6937
Nollie Black, et al.,	M C R 6939
Charley Dickson,	M C R 6890
Lorenzo D. Miller, et al.,	M C R 6922
William G. Miller, et al.,	M C R 6643
Elmer D. Miller	M C R 6918
Martin G. Miller,	M C R 6919
Thomas C. Miller,	M C R 6924
Lody A. Colley, et al.,	M C R 7002
Joanna Williams, et al.,	M C R 6927
Nollye Jessup, et al.,	M C R 6920
Mabel Williams,	M C R 6940
Edna Dutton,	M C R 6938
Harry Williams,	M C R 6942
Harry Lucius Miller, et al.,	M C R 6941
Josephine Waller, et al.,	M C R 6903
Morris E. Peteet,	M C R 6916
Thompson C. Morris,	M C R 6908
Charles C. Carr, et al.,	M C R 6952
Harry Carr, et al.,	M C R 6968
Eva Lewellen, et al.,	M C R 7001
John E. Carr,	M C R 6909
Charles P. Griffin, et al.,	M C R 6935

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED T. B. Needles.

Commissioner in Charge

Through the Commissioner
of Indian Affairs.

2 Enc M.C.R. 6642

M.C.R.6642
M.C.R.7020

Muskogee, Indian Territory, April 4, 1904.

Roland Hymson,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 27, 1904, in which you state that on account of poor health you have been absent from your home, Hugo, Indian Territory, for about six weeks and unable to attend to your business. For this reason you ask that you be allowed further time in which to offer additional evidence in support of the consolidated Mississippi Choctaw application of Cornelia A. Smith, et al. For the reason above stated you also ask that you be granted an extension of time of thirty days, from April 1, 1904, in the consolidated Mississippi Choctaw case of William Foster, et al.

In reply to your letter you are advised that on March 30, 1904, the record in the consolida ed Mississippi Choctaw case of Cornelia A. Smith, et al., together with the decisi n of the Commission refusing the several applications included therein, was forwarded to the Secretary of the Interior. Pending action thereon by him, the Commission is without authority to receive or consider

any further evidence in support of this case.

Relative to the consolidated Mississippi Choctaw case of William Foster, et al., you are advised that your request has been complied with, and you will be allowed up to and inclusive of Monday, May 2, 1904, within which to introduce additional testimony and evidence in support of said case; notice of the taking of testimony, or the filing of documentary evidence, being first served upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Commissioner in Charge.

M.C.R.6642

Muskogee, Indian Territory, April 8, 1904.

C. B. Kendrick,

Attorney-at-Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 4, 1904, in which you ask if the record in the consolidated Mississippi Choctaw case of Cornelia A. Smith, et al., has been forwarded to the Interior Department.

In reply you are advised that on March 30, 1904, the record in the consolidated Mississippi Choctaw case of Cornelia A. Smith, et al., together with the decision of the Commission refusing the several applications included therein, was forwarded to the Secretary of the Interior.

When the Commission is informed of the Departmental action in this case, the several applicants will be duly notified thereof.

Respectfully,

Commissioner in Charge.

M.C.R. 6642

Muskogee, Indian Territory, September 26, 1904.

Cornelia A. Smith,

Mt. Pleasant, Texas.

Dear Madam:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Cornelia A. Smith et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

M.P.R. 6142

Muskogee, Indian Territory, September 26, 1904.

Givens & Jackson,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith et al., of which decision you were notified by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

M.C.R. 6642

Muskogee, Indian Territory, September 26, 1904.

C. B. Kondrick,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered March 14, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al.

Respectfully,

Chairman.

M.C.R. 6442

Muskogee, Indian Territory, [illegible]

J. A. Hurley,

Attorney at Law,

Sulphur Springs, Texas.

Dear Sir:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

M.C.R. 6642

Muskogee, Indian Territory, September 26, 1904.

Noland Hyncon,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith et al., of which decision you were advised by registered mail on the 14th day of March, 1904

Respectfully,

Chairman.

I.C.C. 6642

Muskogee, Indian Territory, September 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., of which decision you were advised by mail on the 14th day of March, 1904.

Respectfully,

Chairman.

M C R 6642

Muskogee, Indian Territory, February 15, 1906.

C. B. Kendrick,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, requesting to be advised the present status of the consolidated Mississippi Choctaw case of Cornelia A. Smith, et al., and asking if said case can be reopened..

In reply you are informed that the decision of the Commission to the Five Civilized Tribes dated March 14, 1904, adverse to all the applicants in said consolidated case, was affirmed by the Secretary of the Interior on August 24, 1904. The case is therefore closed, so far as this office is concerned.

As to securing a rehearing, you are advised that petitions for the same should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Motions for rehearings are only granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied with the provisions of the 14th article of the Choctaw treaty of September 27th, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Respectfully,

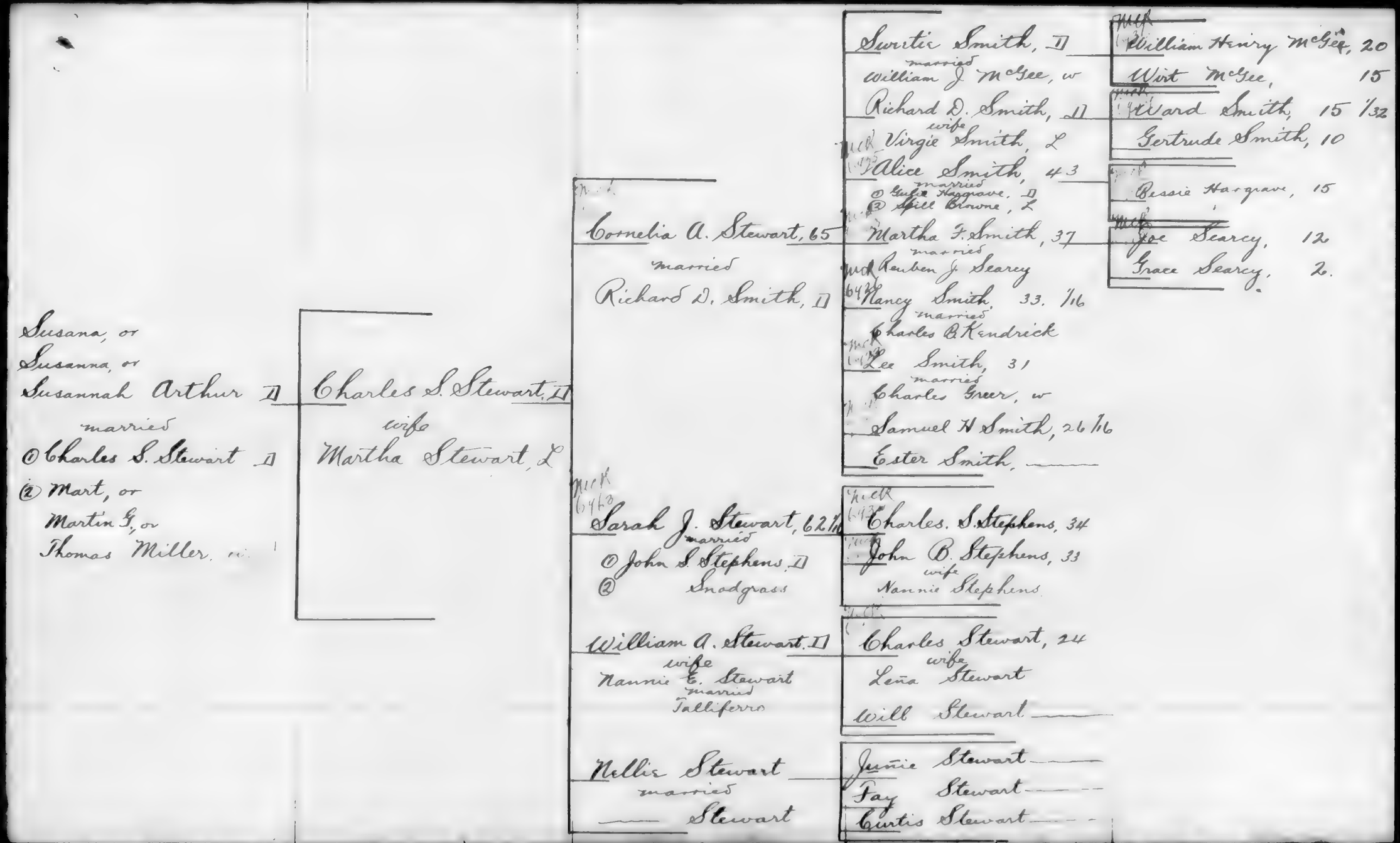
Acting Commissioner.

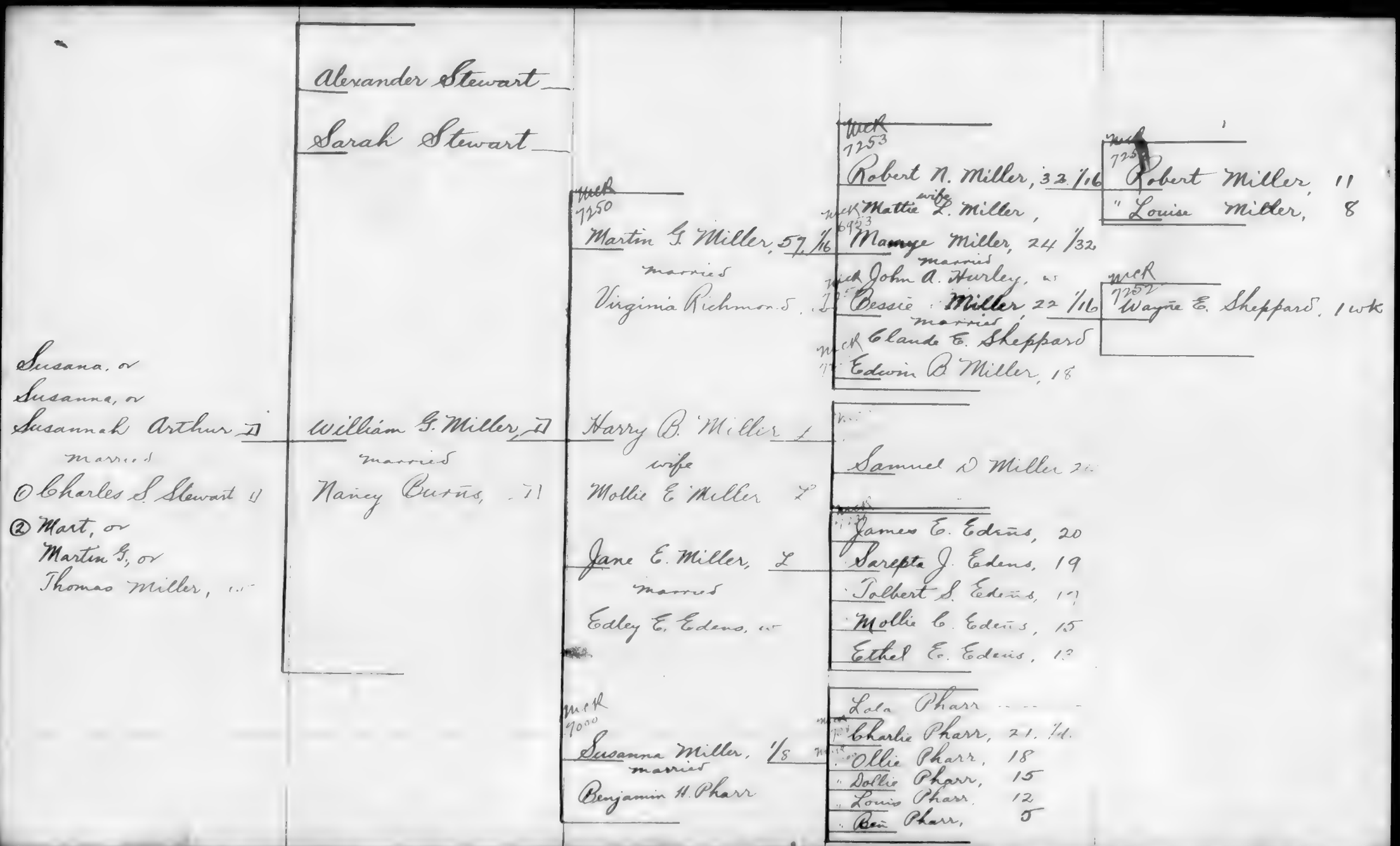
Rpt to
MCR 6642

Cornelia A Smith
et al

Consolidated C. & S. Co.

CARD No. NAME


Susana, or
Susanna, or
Susannah Arthur I
married
① Charles S. Stewart I
② Mart, or
Martin G, or
Thomas Miller
Charles S. Stewart, II
wife
Martha Stewart, L
Cornelia A. Stewart, 65
married
Richard D. Smith, II
Sarah J. Stewart, 62 11/16
married
① John S. Stephens, I
② Snodgrass
William A. Stewart, II
wife
Nannie E. Stewart
married
Talliferro
Nellie Stewart
married
Stewart
Surritie Smith, II
married
William J. McGee, w
Richard D. Smith, II
wife
Virgie Smith, L
Alice Smith, 43
married
① Gufie Haggrave, I
② Hill Browne, L
Martha F. Smith, 37
married
Reuben J. Searcy
Nancy Smith, 33. 7/16
married
Charles B. Kendrick
Lee Smith, 31
married
Charles Greer, w
Samuel H Smith, 26 7/16
Ester Smith,
Charles. S. Stephens, 34
John B. Stephens, 33
wife
Nannie Stephens
Charles Stewart, 24
wife
Lena Stewart
Will Stewart
Junie Stewart
Fay Stewart
Curtis Stewart
William Henry McGee, 20
Wirt McGee, 15
Ward Smith, 15 1/32
Gertrude Smith, 10
Bessie Hargrave, 15
Joe Searcy, 12
Grace Searcy, 2.


Alexander Stewart
Sarah Stewart
William G. Miller, D
married
Nancy Burns, T
Susana, or
Susanna, or
Susannah Arthur D
married
① Charles S. Stewart U
② Mart, or
Martin G, or
Thomas Miller, W
Martin G. Miller, 57 1/16
married
Virginia Richmond, D
Harry B. Miller, 1
wife
Mollie E. Miller, 2
Jane E. Miller, 2
married
Edley E. Edens, W
Susanna Miller, 1/8
married
Benjamin H. Pharr
Robert N. Miller, 32 1/16
Mattie E. Miller, wife
Mamye Miller, 24 1/32
married
John A. Hurley, W
Bessie Miller, 22 1/16
married
Claude E. Sheppard
Edwin B. Miller, 18
Samuel D Miller, 20
James E. Edens, 20
Sarepta J. Edens, 19
Talbert S. Edens, 17
Mollie C. Edens, 15
Ethel E. Edens, 13
Lola Pharr
Charlie Pharr, 21
Ollie Pharr, 18
Dollie Pharr, 15
Louis Pharr, 12
Ben Pharr, 5
Robert Miller, 11
Louise Miller, 8
Wayne E. Sheppard, 1 wk

Susana, or
Susanna, or
Susannah Arthur [I]
married
① Charles L Stewart [I]
② Mart, or
Martin, or
Thomas Miller. [I]

William G Miller, [I]
married (Continued)
Nancy Brooms. [I]

Martin Gilbert Miller [I]
wife
Rebecca Miller [I]

Lucy Miller, 50. 1/8
married
Macon Richmond, [I]

William Gilbert Miller, 4 8/8
wife
① Margaret L. Miller, [I]
② Martha R. Mill-

Charles G. Miller, 55
wife Millie Miller, [I]

Arthur Miller, 52 1/8
wife Zue Miller,

Lorenza D. Miller, 47
wife Louella Miller

William J. Richmond, 30
wife Mattie Lois Richmond
Lillie Richmond, 25 1/16
married
Walter C. Sumner,
Annie Richmond, 22 1/16
Alma Richmond, 18
Alvin Richmond, 15
Ethel Richmond, 13

Nellie Richmond, 11
Corinne Richmond, 9
Bryan Richmond, 5

Myra Sumner, 7 mos

Annie L. Miller, 25 1/35
married
Horace K Gotcher
William P. Miller, 23 1/62
Martin G Miller, 20
Mattie G. Miller, 20
Kate R. Miller 12

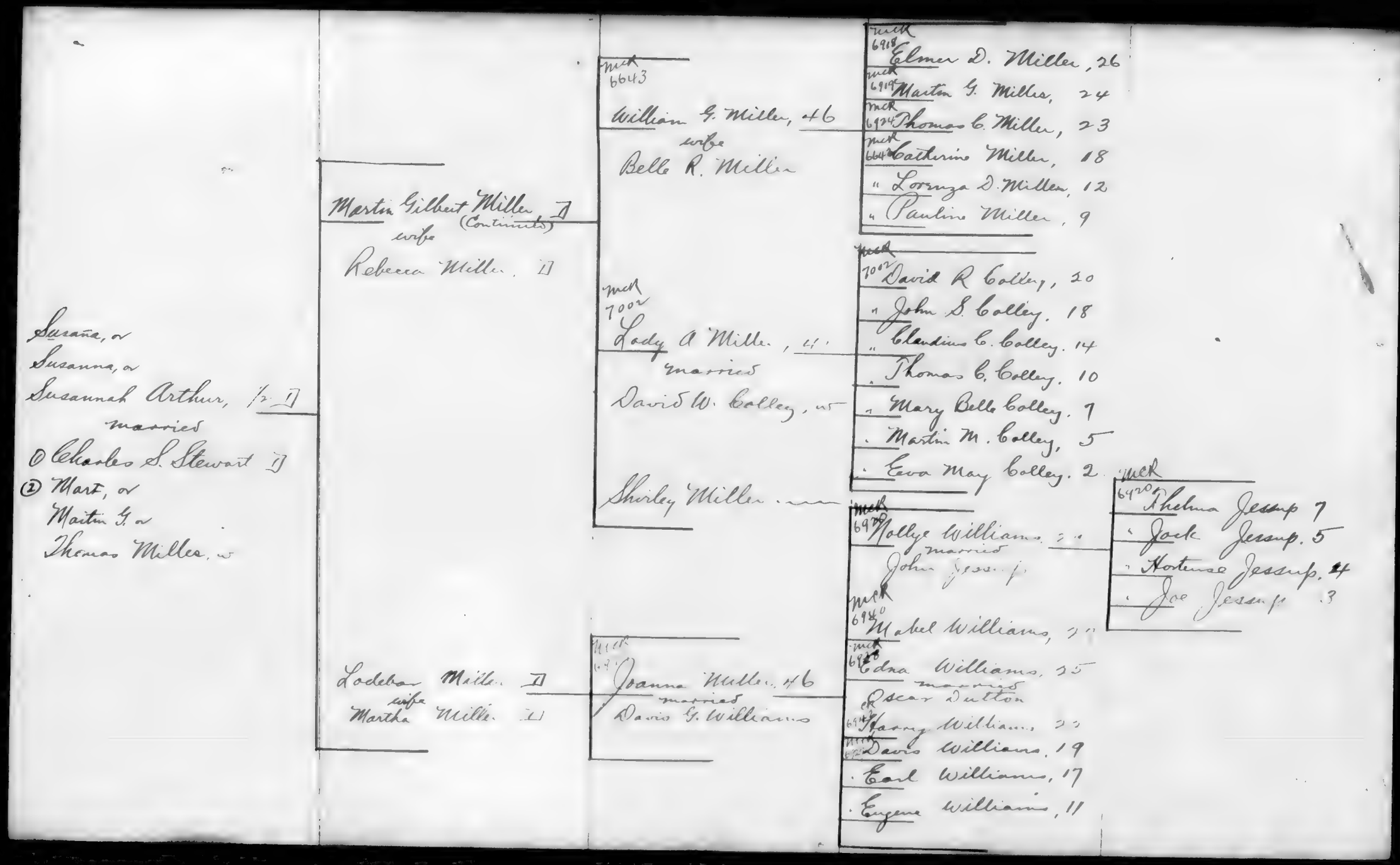
Martin Gilbert Miller, 1
Mildred Emma Miller, 9

Nellie Miller, 25
married
Marvin Black

Lena Black, 5
Oreda Black, 4
Willie Lou Black, 2
Bun Black, 6 mos

Charley Miller 21 1/16
married
William W. Dickson
Jack Miller. 10.

Winnie D. Miller, 2


Martin Gilbert Miller, I
(Continued)
wife
Rebecca Miller, II
Susana, or
Susanna, or
Susannah Arthur, ½ II
married
① Charles S. Stewart II
② Mart, or
Martin G. or
Thomas Miller, or
Lodeban Miller II
wife
Martha Miller II
mch 6643
William G. Miller, 46
wife
Belle R. Miller
mch 7002
Lady A. Miller, 41
married
David W. Colley, or
Shirley Miller
mch 6918
Elmer D. Miller, 26
mch 6919
Martin G. Miller, 24
mch 6924
Thomas C. Miller, 23
mch 6642
Catherine Miller, 18
" Lorenza D. Miller, 12
" Pauline Miller, 9
mch 7002
David R Colley, 20
" John S. Colley, 18
" Claudius C. Colley, 14
" Thomas C. Colley, 10
" Mary Belle Colley, 7
" Martin M. Colley, 5
" Eva May Colley, 2
mch 6920
Thelma Jessup, 7
" Jack Jessup, 5
" Hortense Jessup, 4
" Joe Jessup, 3
mch 6944
Joanna Miller, 46
married
Davis G. Williams
mch 6939
Mollye Williams, 21
married
John Jessup
mch 6940
Mabel Williams, 21
mch 6941
Edna Williams, 25
married
Oscar Dutton
mch 6942
Fanny Williams, 23
mch 6943
Davis Williams, 19
" Earl Williams, 17
" Eugene Williams, 11

Susana, or
Susanna, or
Susannah Arthur I
married
① Charles L Stewart I
② Mart, or
Martin G., or
Thomas Miller, or

Lodebar Miller II
wife (continued)
Martha Miller, I

Jane Miller II
married
Harry B Carr, I

Harry L. Miller II
wife
Millie Miller, L. w

Cinda Miller, ——
married
L. J. Bankhead

Fannie Mille. ——

Josephine Carr
married
① Thompson Morris II
② Becton

Charles C. Carr, 59
wife
Ida Carr, w

Mack 6944
Harry Lucius Miller 20
" Duncan Miller, 17
" Lodebar Miller, 14

Ennis Bankhead, ——
Lizzie Bankhead —— Jack Williams ——
mar. Williams

Mack 6903
Josephine Morris, w. 2.
married
① J. D. Peteet, I
② Cato Waller, L

Mack 6916
Morris E. Peteet, 21

Mack 6908
John T. Peteet, 19

Mack 6940
Thompson C. Morris, 44
wife
Vergie Morris w

Mack 6952
Ethel Carr, 20
Kathleen Carr, 15
Lonna Carr, 11
Charles Carr, 6

Susana, a
Susanna, a
Susannah Arthur I
married
① Charles Stewart I
② Mart, or
Martin G, w
Thomas Miller, w

Jane Miller I
(Con(?))
married
Harry B Carr. I

Dow Miller

McR
6968
Harry Carr, 56 7/8
wife
Annie Carr, w

McR
6909
John E. Carr, 51

[redacted]
Shirley Carr, 47 7/16
married
① David Griffin I
② Rivett.

McR
7001
Eva Carr. 20, 1/16
married
Lewis Lewellen, w

McR
6968
Harry Carr, Jr 17
" Pat Carr, 13
" Charlie Carr, 10
" Milridge Carr, 7
" George Carr, 5
" Kate Carr, 3
" Bill Carr, 2 mo.

McR
7001
" Mamie Lewellen, 1 mo
" Luella Lewellen, 1 mo

McR
69-
Charles P Griffin 41.1/4
wife
Ida M Griffin. L

McR
[redacted] 6935
Grace Griffin, 15

6642

No. 6642

For Identification as a Mississippi Choctaw.

Date FEB 3 1903

Name Cornelia A. Smith

Age 65. Blood Don't Know.

Post Office. Mt Pleasant. Texas

Father; Charles S. Stewart, d.

Mother: Martha " d.

Claims through father.

Husband

Richard W. Smith (d), -

(XXXX

Claims for self alone -

Stenographer Clara Mitchell Woods.

Choctaw MCR 6643

William G. Miller

MCR 6643

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 3, 1903.

In the matter of the application of William G. Miller for the identification of himself and his three minor children Catherine, Lorenza and Pauline Miller as Mississippi Choctaws

J.A.Hurly (not present) Attorney for applicant.

William G. Miller being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Willim G. Miller.
Q What is your age? A I will be forty seven in May.
Q You are forty six now? A Yes sir.
Q What is your post office address? A Mount Vernon Franklin County Texas.
Q How long have you lived in Texas? A I was born right there close to Mount Vernon.
Q Always lived in Texas? A Yes sir.
Q And near Mount Vernon? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir
Q What is your father's name? A Martin G. Miller.
Q What was your mother's name? A Rebecca Miller.
Q Do you claim through your father or mother? A My father
Q How much Choctaw blood did your father claim? A I cant tell you because I was very small when he died.
Q How much do you claim; do you know? A Well I cant tell you to save my life; of course the same as Mrs. Smith.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Do you know when they were married and where?
A No sir I dont; I cant tell you.
Q Is your wife living? A Yes sir.
Q What is her name? A Belle R. Miller
Q Isyour wife a Choctaw Indian or what is her race or nationality? A My wife? She has no Indian blood at all.
Q She's white is she? A Yes sir
Q You dont make any claim for your wife do you? A No sir.
Q Now give me the name of your oldest child under age and unmarried? A I've got six children.
Q Under age and unmarried. A Catherine Miller.
Q How old is she? A She's going on nineteen years;
Q Eighteen now? A Yes, sir.
Q The next? A Lorenza D.
Q Is that a boy? A Yes, sir.
Q How old is he? A Twelve yearsold.
Q The next? A Pauline.
Q How old? A She's nine years old.
Q Is that all the minors? A Yes, sir.
Q The children who are over age or married will be obliged to make application for themselves unless represented by some relative who must make application for them under power of attorney.
Q Is your wife Belle R. Miller the mother of these children?
A Yes sir.
Q Do you and she live together as husband and wife and are the children living with you? A Yes, sir.

Q When were you married to her and where? A In Jefferson
Q What state? A Texas.
Q What day of the month and year? A I think it was the second of February 1876 or seventy five I forget which.
Q By a minister under a license? A Yes sir.
Q Have you the proof of that marriage with you? A No sir I haven't..
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896?
A No sir.
Q You never made any application of any kind for yourself and children up to the present time? A No sir
Q Neither you nor your children have been enrolled as members of the Choctaw tribe by any authority whatever up to the present time ? A No sir.
Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws? A Yessir.
Q Do you claim under article fourteen of the treaty of 18 30?
A Yes sir.
Q Do you understand that article? A Well I dont know sir.
Q You were not here when it was explained a few minutes ago?
A No sir.

A treaty is an agreement or compact in writing made between two or more nations and signed by the representatives of those nations who are the parties to the treaty. An article in a treaty is one of its paragraphs or sub-divisions ; in 1830 a treaty was made between the United States government and the Choctaw Nation; the Choctaw Indians at that time lived in the old Choctaw nation which was partly in Mississippi and partly in Alabama and this treaty was made at a place called Dancing Rabbit creek in Mississippi on the 27th day of September of that year; the object of the treaty was to affect the removal of the Choctaw Indians who livedin the old Choctaw Nation to the Choctaw nation west of the Mississippi river in the Indian territory; it was well known that those Indians could not be removed in a body without their free consent and by becoming parties to this treaty they did consent to remove, all but a certain portion of them who refused to go under any circumstances under the treaty; some provision had to be made for those Indians who refused to go to the Choctaw Nation Indian Territory and these provisions were embraced in article fourteen of the treaty of 1830 which was put into the treaty before it was signed; then it was signed and afterwards on the 24th day of February 1831 was ratified; article fourteen that you claim under today is as follows:

"Each Choctaw headof a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for

each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the s states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty?
A No sir I dont.
Q What is the name of your ancestor that you claim through?
A My grandmother.
Q What was her name? A Arthur.
Q That was her maiden name was it? A Susannah.
Q Susannah Arthur? A Yes sir.
Q And that was her maiden name was it? A Yes sir.
Q Whom did she marry? A They tell me she married a Stewart and then a Miller; I dont know which she married first.
Q What was this man Miller's name? A I cant tell you.
Q What was Stewart's name? A I dont know.
Q What was Susannah Arthur's husband' Stewart's Christian name?
A I cant tell you.
Q Was this man Stewart she married a white man? A Yes sir.
Q And Miller also? A Yes sir.
Q How much Choctaw blood did Susannah Arthur or Miller have?
A I cant answer.
Q But you know she had some Choctaw blood? A yessir that's what they tell me.
Q This was your grandmother? A Yes sir.
Q Did she live in Mississippi in 1830 and have a family there then? A That's what they tell me.
Q Did she go to the United States Indian agent Colonel Ward with in six months after the treaty of 1830 was ratified and tell him she wanted to stay in Mississippi take land there and become a citizen of the states? A I cant tell you.
Q What relation is Cornelia A. Smith to you? A Cousin.
Q Do you want to have her case considered with yours? A Yes sir.

The case of Cornelia A. Smith M.C.R. 6642 is here referred to for the purpose of consolidation.

Q Did Susannah Miller nee Arthur live on land in the old Choctaw Nation in Mississippi or Alabama five years and then at the end of that time get a deed from the government for it?
A I cant tell you.
Q Did she or any Choctaw ancestor of yours claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I cant tell you.
Q Did any of your Choctaw ancestors go from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or forty? A I cnt tell you
Q Did they go from the old Choctaw Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in

the Choctaw Nation Indians Territory ? A I dont know sir
Q Did any of them own any improvements on land in the old Choctaw nation in 1830 or 1831? A I don't know.
Q Did any of them go before a commission appointed by act of Congress approved March 3 1837 or a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of that treaty? A I cant tell you.

These two commissions were appointed because of the complaints of a good many Choctaw Indians who claimed that they had gone to the United States Indian agent Colonel Ward within six months after the treaty of 1830 was ratified and had attempted to register under article fourteen of the treaty of 1830 but that Colonel Ward the United States Indian agent had neglected and refused to enroll their names on his registry list under that article; because of his refusal to do this those Indians had their land taken from them and sold by the government.

Q Do you know whether any of your ancestors received any scrip from the government which entitled them to select land In Mississippi Alabama Louisiana or Arkansas?
A No sir I dont know.

This scrip was issued under act of Congress approved August 23 1842 and allowed the holder who proved that they had formerly held land in the old Choctaw nation that the government had taken from them and sold, to select land in Mississippi Alabama Louisiana or Arkansas.

Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant to introduce other proofin this case if he desires.

Q You have witnesses before the Commission now that you want to call? A Yes sir.
Q These two men; this old negro and this other man?
A Yes sir.
Q Have you any documents you want to present; you want to introduce this affidavit? A Yes sir.

Affidavit of J.L. Sanders presented by this applicant, received filed marked exibit A and made part of the record in this case.

Applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; brown hair; medium dark complection; has no knowledge of the Choctaw language; and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 3rd day of February 1903 and that this is a true and correct transcript of her stenographic notes of the proceedings in said case.

Subscribed and sworn to before me this 12th day of February 1903

Clara M. Sanders

Notary public.

M C R 6643

Muskogee, Indian Territory, March 7, 1903.

J. A. Hurley,

Attorney at Law, Kellog Bldg.,

Sulphur Springs, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th ultimo, in which you ask "if your Commission has passed upon the application of William G. Miller, Mount Vernon, Texas, to have his name enrolled as a Mississippi Choctaw."

In reply to your letter it appears from the records of the Commission that William G. Miller, forty-six years of age, residence Mount Vernon, Texas, is an applicant for the identification of himself and three minor children as Mississippi Choctaws.

No opinion or decision has yet been reached in this case, but as soon as a decision is rendered the applicant will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

M C R 6643
M C R 6937
M C R 6642

Muskogee, Indian Territory, March 30, 1903.

Arthur Miller,

Mt. Pleasant, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing certified copy of marriage license and certificate between Arthur Miller and Mrs. M. E. Parchman offered in support of application made by Arthur Miller for the identification of himself and minor child as Mississippi Choctaws.

Also affidavit of Cornelia A. Smith relative to the marriage of Martin Miller and Rebecca Kelley offered in support of the applications made by Arthur and William G. Miller for the identification of themselves and families as Mississippi Choctaws.

Said documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

M.C.R.6643

Muskogee, Indian Territory, March 14, 1904.

William G. Miller,

Mount Vernon, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., including you and Catherine, Lorenza D. and Pauline Miller.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 6643

Muskogee, Indian Territory, September 26, 1904.

William G. Miller,

Mount Vernon, Texas.

Dear Sir:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, and children, Catherine Miller, Lorenza D. Miller, and Pauline Miller, included in the consolidated case of Cornelia A. Smith et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6643

No. 6643

For Identification as a Mississippi Choctaw.

Date FEB 3 1903

Name William G. Miller

Age 46 — Blood Don't Know

Post Office. Mt Vernon, Texas.

Father: Martin G. Miller, d.

Mother: Rebecca " d.

Claims through, father

wife.

Belle R. Miller, l w

No claim for wife—

Children:

Catherine Miller, 18 ~~19~~

Lorenza D. " M. 12

Pauline " 9

Claims for self and 3 minors

Stenographer Clara Mitchell Woods

R. 54

William G Miller

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR
AUG

ACTION MAILED APPLICANT

RETURN TO M. C. R.

Choctaw MCR 6644

Sarah C. Fields

MCR 6644

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 4, 1903.

In the matter of the application of Sarah C. Fields for the identificationof herself and her four minor children Clarence, Dillie, William O., and Virgil Aaron Fields as Mississippi Choctaws.
Applicant represented by Thomas and Harrison.
Sarah C. Fields being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sarah C. Fields.
Q What is your age? A I was thirty three the first day of February.
Q What is your post office address? A Hutchison, Independence County Arkansas.
Q How long have you lived there? A We've been living there-- we come over from about Pleasant Plains the 20th of last October, it's been about a year, since we moved there.
Q Have you always lived in Arkansas? A No sir I was raisedin Missouri.
Q Where were you born? A In Douglas County, Florilla postoffice.
Q Did you go from Missouri to Arkansas? A Yes.
Q How long have you lived in Arkansas altogether? A About seven years.
Q The last seven years? A yes sir the last seven years.
Q Is your father living? A yes sir.
Q Is your mother living? A yes sir.
Q What is your father's name? A Aaron Johnson. Aaron Francis Johnson.
Q What is your mother's name? A Alabeath Johnson.
Q Through which parent do you claim Choctaw blood? A Mother
Q How much do you claim? A One sixteenth
Q Your mother is one eighth? A yes sir.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory?
A No my mother hasn't.
Q Is your husband living? A Yes sir.
Q What is his name? A George Fields.
Q He's living and a white man is he not? A Yes sir.
Q Do you make any claim for him? A Why he's got a little Indian blood in him but we have got no way to prove it I guess.
Q You dont make any claim for him? A No; don't know how to make any claim.
Q You have four minor children have you? A Yes sir.
Q What is the name of the oldest? A Clarence Fields; he will be thirteen years old in the Spring.
Q He's twelve now? A yes sir.
Q The next? A Dillie.
Q How old is Dillie? A She's eight years old the 14th day of last August.
Q What is the name of the next child? A William O.
Q How old is William? A Five years old.

Q The name of the next? A Virgil; this baby.
Q Virgil what? A Virgil Aaron.
Q How old is Virgil? A He was a year and a half old .
Q You claim for yourself and these four minor children? A Yes sir
Q Is your husband George Fields the father of these children
A Yes sir.
Q And are you and your husband living together with these children at his home ? Yes sir.
Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir .
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
Q Have you ever made any such application for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understandthat article ? A No sir.

A treaty is an agreement or more properly speaking a compact in writing made between two or more nations; because it is made between nations and not between individuals it is called a treaty and an article in a treaty is one of its paragraphs or sub divisions treating of some particular part of the general subject treated of in the treaty. In 1830 a treaty was made between the United states government and the Choctaw Indians at Dancing Rabbit Creek in Mississippi; sometimes this treaty is called the treaty of Dancing Rabbit Creek because it was made at that place; the object of this treaty was to remove as far as possible and practicable all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that many Choctaw Indians were unwilling and would refuse to go to the Choctaw Nation Indian Territory under the treaty; in order to protect the interests of those Indians article fourteen was put into this treaty and then it was signed and afterwards ratified: the article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q How do you know if any of your Choctaw ancestors complied with that article? A No I dont.
Q You dont know the name of the ancestor that you claim through now? A Tendergrass.
Q Is that the ancestor that you are claiming through now?
A Yes sir.
Q Was that a woman or a man? A Woman.
Q What was her fiftht's name. I just cant tell you.
Q Did she have any Choctaw blood? A Yes sir.
Q How much, do you know? A I reckon she was a wh ole Choctaw
Q You dont know for sure? A No I cant say.
Q Do you know whether Tendergrass was the maiden name or the married name ofthis woman ?
A Surname I think.
Q Before she was married or after she was married? A Before she was married I think.
Q She was a Tendergrass? A I cant tell you.
Q What relation was she to you? A My mother's name was -- my own mother's name was Wood; my grandmother's name was Freeman
Q Alabeath Johnson is your mother? A Yes sir.
Q And her maiden name was Wood? A My mother's maiden name was Wood.
Q Now she claims through her father or mother? A Mother'
Q What was her mother's name? A Sarah Freeman.
Q Was that her name before she married or after? A That was after she married.
Q What was her husband's name? A Aaron Freeman.
Q What was her maiden name? A Her maiden name was Ball.
Q Didshe claim through her father or mother? A Her mother.
Q What was hermother's name? A Her mother's name before she married was namedTendergrass.
Q What was her given name? A The Ball woman was named Alabeath.
Q She marriedTendergrass? A No she was Tendergrass before she married Ball.
Q And it was Alabeath Tendergrass? A Yes sir Alabeath Tendergrass.
Q And then she marriedBall; is that as far back as you go?
A Yes sir.
Q And she was what relation to you? A I dont know; grandmother I reckon.
Q Do you know whether your great grandmother Alabeath Ball lived in Mississippi at any time and if so if she lived there in 1830 and had a family there then? A I dont know.
Q Or did she live in Alabama? A I wont be sure; she lived in Alabama; but that's here my folks come from. Some of them say they thought shenlived in Mississippi but I dont know.
Q You dont really know? A No I dont know; I've heard them talk about Mississippi but I dont know.
Q Do you know whether Alabeath Ball or any Choctaw ancestor of yours went to Colonel Ward the United States Indian agent within six months after the treaty of 1830 was ratified and told him they wanted to stay in Mississippi take land there and become a citizen of the states? A No I dont know that.
Q Did you ever hear that she Alabeath Ball or any other Choctaw ancestor of yours lived on landin Mississippi or Alabama five years and then got a patent from the government for that land? A No I dont know.
Q Did any of them claim any land under article fourteen of the treaty of 1830 in the old Choctaw Nation? A I dont know.
Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indiansbetween 1833 and 1838 or forty or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A I cant say whether they did or not; I dont know.

Q You dont know that any of your Choctaw ancestors everdid go to the Choctaw nation Indian Territory? A No I dont.
Q Did any of them own any improvements on land in the old Choctaw Nation at any time? A I dont know.
Q Did any of them go before a commission appointed by act of Congress approved March 3 1837 or the Commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830?
A I dont know that either.

These commissions were appointed by act of Congress to hear Choctaw Indians who claimed that they had either registered or attempted to register under article fourteen of the treaty of 1830 but that Colonel Ward refused to accept their names for registration although they appeared beforehim within six months after the ratification of the treaty of 1830 and because of his refusal to register them those Indians had had their land which they occupiedin the old Choctaw Nation taken from them by the government and sold at its public land sales.

Q Did any of your Choctaw ancestors receive any Scrip from the government which entitled them to select land in Mississippi Alabama Lpuisiana or Arkansas? A Not that I know of.
Q Did any of your Choctaw ancestors do anything in the old Choctaw Nation which could be construed as a compliance with article fourteen of the treaty of 1830? A If they did I dont know it.
Q Do you speak or understand the Choctaw language? A No sir.

Thirtydays time is allowed this applicant to file other evidence or present any other testimony in this case if she desires to do so .

Examination by Mr Harrison:

Q Do you knowHenry W. Johnson? A He's my brother.
Q He has applied here as a Mississippi Choctaw? A Yes sir.
Q You say your father's name is Aaron F. Johnson? A Yes sir/
Q And that your grandmother's name was Sarah Freeman ?
A Yes sir; I was named after her.
Q When you told the Commission that your grandmother Sarah Freeman married Aaron Freeman you were mistaken about that?
A I dont think I am.
Q Who was Henry Wood? A He's my grandfather.
Q Who was his wife? A A Freeman
Q What was her name? A Sarah Freeman and her father's name was Aaron Freeman.
Q But if you said Sarah Freeman marriedAaron Freeman were you mistaken? A Yes sir.
Q Her father's name was Aaron Freeman? A Well my grandmother's father's name was Aaron Freeman.
Q Your grandmother was Sarah Freeman? A Yes sir.
Q And her father was Aaron Freeman and Aaron Freeman married a woman named Alabeath Ball? A Yes sir.
Q Who is this Tendergrass? A The mother of Alabeath.

By the Commission.

Q Then your testimony now is that Alabeath Ball was the daughter of this woman Tendergrass? A Yes sir.
Q You want to change it and make it that way? A Yes sir; it ought to be set down right; you see my mother's grandmother was Ball.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes; brown hair;

Q You dont understand Choctaw do you? A No sir.

She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q Are you related to John H. Bennight? A They say he claims kin to me.
Q He claims through the same common ancestor as you? A That's what they say .

The case of John H. Bennight M.C.R. 6255 is here referred to for the purpose of consolidation.

Clara Mitchell Wood being first duly sworn states that she reported the above case on the 6th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedingson said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 12th day of February 1903.

Charles McLaurin

Notary Public.

M C R 7134
7297-7270-6644
6602-6770

Muskogee, Indian Territory, April 28, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing the following:

Joint affidavit of Jas H. Trimble, J. F. Hoffman, Sallie Hoffman, E. M. McCormick and N. A. McCormick, offered in support of the Mississippi Choctaw case of Nancy Thompson, et al.

Affidavit of Mrs. May Putnam, offered in support of the Mississippi Choctaw case of Mrs. May Putnam, et al.

Certified copy of marriage license between Miles H. Baldwin and L. J. Johnson, offered in support of the Mississippi Choctaw case of Lovie J. Baldwin, et al.

Affidavit of Mrs. Emma V. Munson, offered in support of the Mississippi Choctaw case of Victor H. McCarrick; also affidavit of Mrs. S. Crary offered in support of the same case.

Marriage license and certificate between George M. Fields and Sarah Johnson, offered in support of the Mississippi Choctaw case of Sarah C. Fields, et al.

Joint affidavit of C. R. Oglesby and A. E. Rigdon, offer-

T & X 2

ed in support of the Mississippi Choctaw case of Annie Aston, et al.

Certified copy of marriage certificate between William Harper and Cassandra Dominic, offered in support of the Mississippi Choctaw case of Mrs. May Putnam, et al.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

COPY. M. C. R. 6644.

Muskogee, Indian Territory, June 15, 1904.

Sarah C. Fields,

Hutchinson, Arkansas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Clarence Fields, Dillie Fields, William C. Fields and Virgil Aaron Fields.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M.C.R. 6644.

Muskogee, Indian Territory, May 8, 1905.

Sarah C. Fields,

Hutchinson, Arkansas.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

(6644) No. 66644

For Identification as a Mississippi Choctaw.

Date FEB. 4 1903

Name Sarah C. Fields

Age [redacted], 33 Blood 1/16

Post Office. Hutchison, Ark.

Father: Aaron F. Johnson " C.

Mother: Alabeath " " C.

Claims through mother 1/8

Husband,
George Fields, - C. W. -
No claim for husband

Children:

Clarence Fields, 12
Willie " [redacted] 8
William O " 5
Virgil A. " 1/2

Claims for self and 4 minors.

Stenographer Chas Mitchell Wood

RELEASED

R.

Sarah E. Fields

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

FOR APPLICANT

JUN 1 1904

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 1 1904.

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAY 1905.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS.

REFERENCE 6255

Choctaw MCR 6645

John H. Drake

MCR 6645

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian territory, February 5, 1903.

In the matter of the application of John Henry Drake for identification as a Mississippi Choctaw.

S. Heard Attorney for applicant.

Q John Henry Drake being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A John Henry Drake.
Q What is your age? A Forty two.
Q What is your post office address? A Ardmore Indian territory.
Q How long have you lived there? A I've been there about three weeks.
Q Where did you live before that? A Oklahoma City.
Q How long in Oklahoma? A Five years or six.
Q Where were you born? A Kentucky.
Q Where in Kentucky. A Wolf County.
Q How long did you live in Kentucky? A About twenty five years I guess.
Q And from Kentucky you went where? A Went to Kansas.
Q And from Kansas where? A Oklahoma.
Q And you lived in Oklahoma about five years? A I've lived in Oklahoma longer than that; since the opening of the Cherokee strip.
Q And from there you came to Ardmore? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Larkin Drake.,
Q What is your mother's name? A Margaret Drake
Q Do you claim your Choctaw blood through your father or mother.
A Mother.
Q How much do you claim? A One eighth I believe.
Q Was your mother one quarter? A I suppose so.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A No sir.
Q You just claim for your self alone? A yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Haveyou ever made any such application to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority up to the present time? A No sir.
Q Is this your first application for citizenship? A yes sir.
Q Do you come before the Commission at this time to identify yourself as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830 or dont you understand that article? A No, I dont.

An article in a treaty is one of its paragraphs or subdivisions or sections and a treaty is a contract in writing made between different nations instead of between individuals; a contract in writing is often made between persons; not if you substitute nations in the place of those people or persons who sign a written contract if becomes a treaty; in 1830 a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; this treaty was made on the 27th day of September of that year and was made for the purpose of removing all the Choctaw Indians who lived in the old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who wanted to stay back in the old Choctaw Nation article fourteen wasdrawn up and put into the treaty of 1830; the treaty was then signed and afterwards became ratified on the 24th day of February 1831; article fourteen under which you make application is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with that article or attempted to? A No sir I dont know.
Q What is the name of your ancestor through whom you claim today as a Mississippi Choctaw? A John Harper and wife.
Q What was John Harper's wife's name? A I dont know; I cant say; she was a full blood but I dont remember.
Q Do you claim through both John Harper and his wife? A Yes sir
Q How much Choctaw blood did John Harper have? A Well I understand he was a full blood; I dont know.
Q How much did his wife have? A The same I understand.
Q What relation were John Harper and his wife to you?
A He's my great great grandfather I believe.
Q And she was your great great grandmother? A I suppose so.
Q Do you know whether John Harper and his wife lived in Mississippi in 1830 and had a family there then? A Only by hearsay.
Q Did you hear so? A Yes sir.
Q From members of the family? A From relations.
Q Do you know whether they went to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and told him they wanted to stay in Mississippi and become citizens of the states? A No sir.

Q Do you know whether either of them received land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830 ? A No sir.
Q Did you ever hear any of them lived on land there five years and then got a patent or deed from the government under article fourteen? A No sir.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory.
A I cant say; I dont know.
Q You dont know whether any one went from from that old Choctaw Nation to the Choctaw nation Indian territory with the other Indians between 1833 and 1838 at the expense of the government
A No sir I dont know.
Q Didany of them own improvements on land in the old Choctaw Nation in 1830 or 1833? That you know anything about?
A No sir I dont know.
Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know.

This scrip was issued under ad of Congress approved August 23 1842 and was given to ChoctawIndians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw nation had been taken from them by the government and sold at its public land sales.

Q Did any of your Choctaw ancestors go before a commission appointed by act of Congress approved March 3 1837 or before a commission appointed by act of Congress approved August 23 1842 and claim any rights under article fourteen of the treaty of 1830? A I dont know.

These two commissions were appointedby various acts of Congress because of the complaints made by Choctaw Indians who stated that they had gone to Colonel Ward the agent within six months after the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but that Colonel Ward had refused to put their names on his registry list and because of his neglect or refusal the land which those Indians had occupied in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you understand or speak the Choctaw language? A No sir.

Thirty days time is allowed in this case for the purpose of the introduction of other proof if the applicant desires to do so.

Examination by S. Heard Attorney for applicant.

Q Do you know whether your ancestor John Harper or his wife talked the Choctaw language or not? A No sir I dont.
Q Is C.C.Hanks related to you? A Yes sir.
Q What relation is he to you? A Second cousin.
Q He has made application has he not to be identified as a

Mississippi Choctaw? A I understand so.
Q You want to have his case referred to in this application made by you for consolidation? A Yes sir.

By the Commission:

The case of Christopher C. Hanks M.C.R.6508 is here referred to for the purpose of consolidation.

Q Are you related to Jasper Chambers? A I guess so.
Q What relation to Jasper Chambers are you? A I don't know but I think he's an uncle; he's my mother's half brother I believe.
Q Do you want tp have his case referred to in this connection?
A Yes sir.

The case of Jasper Chambers M.C.R.5670 is here referred to as the case of an applicant claiming through the same common ancestor.

Q What was the color of your hair formerly? A Black.

---0---

This applicant has brown eyes; ruddy complection; medium dark; brown mustache; hair so ewhat gray, formerly black as he states; he does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the commission to the Five Civilized Tribes she reported the above case on the 5th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 13th day of February 1903.

Charles W Stanyer

Notary Public.

M C R 6653
M C R 6654 45

Muskogee, Indian Territory, July 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 18, 1903, wherein you ask that your firm be entered as attorneys of record in the Mississippi Choctaw cases of Ira Drake, et al. and John H. Drake. Your appearance in said cases has been noted.

Respectfully,

Commissioner in Charge.

M.C.R. 6645.

Muskogee, Indian Territory, November 5, 1904.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified John Henry Drake that he will be allowed thirty days from this date within which to submit further evidence in support of his application for identification as a Mississippi Choctaw and that at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6645.

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified John Henry Drake that he will be allowed thirty days from this date within which to submit further evidence in support of his application for identification as a Mississippi Choctaw and that at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6645.

Muskogee, Indian Territory, November 5, 1903.

John Henry Drake,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6645

Muskogee, Indian Territory, March 14, 1904.

John H. Drake,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory, and S. Heard, Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
M. C. R. 6646.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 26, 1905.

John H. Drake,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6645

No. 6645

For Identification as a Mississippi Choctaw.

Date FEB. 1903

Name John H. Drake

Age 42. Blood 1/8

Post Office, Ardmore, I. T.

Father: Larkin Drake. d.

Mother: Margaret " d.

Claims through mother 1/4 -

Children:

Claims for self alone

Stenographer Clara Mitchell Wood

IND.T
JUN 2?
5 PM
AM
AUGUSTA

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.







John H. Drake,

Ardmore, Indian Territory.

PUBLISHED

R. [illegible]

John. H. Drake

DECISION RENDERED MAR 4 1904

CERTIFICATE ISSUED MAR 4 1904

NOTICE OF DECISION FORWARDED TO APPLICANT. MAR 14 1904

COPY OF DECISION FORWARDED TO ATTORNEY [illegible] MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION ANNOUNCED BY RECORD [illegible]

NOTICE OF ACTION [illegible]

JUN [illegible]

REFER TO M. C. R.

Choctaw MCR 6646

John Cox

MCR 6646

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 5, 1903.

In the matter of the application of John Cox for identification as a Mississippi Choctaw.

S. Heard Attorney for applicant.

John Cox being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John Cox.
Q What is your age ? A I'm fifty six years old the eighth day of this month.
Q What is your post office address? A Tolliver Kentucy.
Q How long have you lived there? A I've lived there all my life.
Q You were born and raised in Kentucky? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A James Cox.
Q What is your mother's name? A Annie Cox.
Q Through whom do you claim Choctaw blood? A John Harper.
Q Your father or mother? A My mother.
Q How much Choctaw blood do you claim? A I claim one fourth.
Q How much Choctaw blood has your mother? A One half I suppose the way I count it.
Q Your father was a white man? A Yes sir.
Q What nationality or blood or race; he was born in Scotland was he? A Yes I suppose he was.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir not that I know of.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her blood or nationality? A She's white.
Q What is her name? A Jane Cox.
Q You make no claim for her do you? A No sir.
Q Have you any children under twenty one years of age and unmarried? A No sir.
Q You claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir I have not.
Q Have you ever made any such application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q You heard that article explained a short time ago; would you like a further explanation or do you think you understand it now? A I dont know whether I understand it or not; I dont hardly believe I would; I heard it but I dont know that I understand it.

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek because it was made at a place by that name in the state of Mississippi in 1830, on the 27thday of September was a treaty made between the United States government and the ChoctawIndians who then lived in that old Choctaw Nation east of the Mississippi river, for the purpose of removing the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under the treaty; in order therefore to protect the interests of those Indians who preferred to stay back in the old Choctaw nation article fourteen was put into the treaty of 1830; an article in a treaty is one of its subdivisions just the same as a verse is a subdivision of a chapter in the Bible; and this article fourteen under which you make this claimed today is as follows

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvementof the head of the family or a portion of it; persons who claim under this artide shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This Choctaw annuity was simply a money payment made to each member of the Choctaw tribe who went to the Choctaw Nation Indian Territory under the general provisions of the treaty.

Q How do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A I dont know sir.
Q What is the name of your ancestor through whom you make your application today as a Mississippi Choctaw? A John Harper.
Q How much Choctaw blood did he have? A He was a full blood I learn.
Q What relation was he to you? A My great grandfather.
Q Do you claim through his wife? A Yes.
Q What was her name? A I dont know what her name was.

Q How much Choctaw blood di' she have? A I understand she was a full blood.
Q You cant give her name? A No sir.
Q Did she live in Mississippi in 1830 and have a family there then? A I dont know.
Q Did you ever hear they lived in Missi ssippi? A Yes sir.
Q Dont know when? A No sir.
Q Can you give the name of any Choctaw ancestor whom lived in Mississippi or Alabama in the old Choctaw Nation and had a family therethen? A No sir.
Q Did John Harper or his wife go to Ward within six months after the treaty of 1830 was ratified and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A That was always my understanding.
Q Did they register or were they refused registration? A Well I dont know whether they registered or not; I've always learned they went to register; I dont know whether they did or not.
Q Do you know this fact from members of the family? A Yes sir.
Q Handed down to you as a matter of family histroy and tradition
A yes sir.
Q Did either of them claim any land or occupy any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I dont know sir.
Q Did either of them or any other Choctaw ancestor live on land in the old Choctaw Nation in Mississippi or Alabama five years and then get a patent from the government for that land? A I've always understood they did.
Q You dont know whether they did or not -- live on land five years and then get a deed? A Not Harper but I've heard of others.
Q What others? A I cant say.
Q Just simply a sort of vague rumor? A Yes sir.
Q You never heard of any patent nor saw any? A No sir.
Q Did John Harper or his wife or any other Choctaw ancestor of yours go from the old Choctaw Nation east of the Miss ssippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the dat e of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory?
A I dont know sir.
Q Did any of your Choctaw ancestors John Harper or his wife or any othergo from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 at the expense of the government? A I cant tell you.
Q Did any of them go before a commission appointed by act of Congress approved march 3 1837 or before a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830?
A It's my understanding they went for that purpose.

Q Now this is not going to Colonel Ward - that wasin 1831; now six years after that in 1837 they may have gone before the commission that was appointed in that year and later in 1842 they may have gone before a commission appointed in 1842.

Q Do you know whether they did or not? A No sir.

These two commissions were appointed by various acts of Congressto hear the complaints of Choctaw Indians who stated that they had gone to Colonel Ward within six months after the ratification of the treaty of 1830 and had attempted

to register under article fourteen of that treaty but that Colonel Ward had refused to accept their names for registration and because of his refusal, land had been taken from them in the old Choctaw Nation and sold.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know sir

This scrip or as we would call them now these certificates were documents which entitled the holder to select this land because of the fact that they were entitled to rights under article fourteen and also because they proved that they had had their land in the old Choctaw Nation taken from them and sold by the government.

Q You never heard any of your Choctaw ancestors got any such scrip? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.

To Mr. Heard: Any questions Judge? A No questions.

To John Cox: Are you related to C.C.Hanks? A yes sir.
Q What relation are you? A He's a first cousin of mine.
Q He has made application to be identified as a Mississippi Choctaw; would you like to have your case and his considered together? A yes sir.

The case of Christopher C. Hanks et al MC.F.6508 is here referred to for the purpose of consolidation.

This applicant is allowed thirty days time in which to introduce other proof if he desires in support of this application..

This applicant has the appearance and physical characteristics of being descended from white parentage; has light sandy hair and mustache; ruddy complection; blue eyes; He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

A statement of the records of the marriage of John Cox and Miss Jane Catron, presented by applicant, received, marked exibit A and made part of the record in this case.

Clara Mitchell Wood being first duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 5th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 13th day of February 1903.

Charles H. Saunders

Notary Public.

M C R 6646

Muskogee, Indian Territory, November 5, 1903.

John Cox,

Tolliver, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6646

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified John Cox that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6646

Muskogee, Indian Territory, March 19, 1904.

John Cox,

Tolliver, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for your identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered. Commissioner in Charge.

M. C. R. 6646.

Muskogee, Indian Territory, June 26, 1905.

John Cox,

Tolliver, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

R. 66

John. Cox

DECISION RENDERED MAR 1 1904

COPY FORWARDED ATTORNEY AND CHICKASAW NATIONS. MAR 1 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 1 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPROVED
SECRETARY OF THE INTERIOR.

MAR 31

JUN 1

NOTICE OF DECISION
FORWARDED

NOTICE OF DECISION
FORWARDED

6646 No. 6646

For Identification as a Mississippi Choctaw.

Date FEB 5 1903

Name ~~Wood~~ John Cox

Age 56 – Blood 1/4

Post Office, Tolliver, Ky –

Father: James Cox – d.

Mother: Annie " – l.

Claims through Mother, 1/2

wife,

Jane Cox – l. w.

No claim for wife –

Children:



Claim for self alone

Stenographer Clara Mitchell Wood

Choctaw MCR 6647

John H. Drake

MCR 6647

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 5, 1903.

In the matter of the application of John Henry Drake (2) for the identification of himself and his seven minor childrn Thomas A. Hendricks Drake, Lydia C. Drake, Ruthie F. Drake, Willie A. Drake, George W. Drake, Caroline Drake and Charlie F. Drake, as Mississippi Choctaw s.

S. Heard Attorney for applicant.

John Henry Drake being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A John Henry Drake.
Q What is your age? A Thirty eight.
Q What is yourpost office address? A Campton Kentucky.
Q How long have you lived there? A I was born and raised in the county.
Q Have you always lived there? A Yes sir.
Q Is your fatherliving? A Yes sir.
Q What's his name? A Alexander Drake.
Q Is your motherliving? A No sir
Q What was her name? A Lydia.
Q Do you claim your Choctaw blod through your father or your mother? A Through my mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Your motherwas one quarter? A Yes sir.
Q John H. Drake, a person of the same name as yours made application today for identification as a Mississippi Choctaw; are you related to him? A Yes sir.
Q What relation? A First cousins.
Q He is nowliving at Ardmore is he not - Indian territory?
A I think so.
Q His father wasLarkin Drake? A Yes sir.
Q And his motheris Margaret Drake ??A Yes sir.
Q Was your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory
A No sir.
Q What is your wife's name? A Martha.
Q Living? A Yes sir.
Q What is her nationality or blood? A She's white.
Q Do you make any claim for her? A No sir.
Q Give me the name of your oldest child under age and unmarried
A Thomas A. Hendricks.
Q Thomas A. H. Drake? A Yes sir.
Q How old is Thomas A. H. Drake? A Eighteen.
Q The next? A Lydia C. Drake.
Q How old? A Sixteen.
Q Next? A Ruthie F. Drake; twelve.
Q Next? A Willie A. Drake eight.
Q Is that a boy? A Yes sir.
Q The next? A George W. Drake six.
Q Next? A Caroline; three; Charlie F. Five months old.
Q Boy? A Yes sir.
Q You claim for yourself and children do you? A Yes sir.
Q Is your wife Martha the mother of these children? A No sir

she is the mother of three of them.
Q She is the mother of what three? A The three youngest.
Q Caroline, Charlie E. and George W.? A Yes sir.
Q She's your second wife? A Yes sir.
Q What is the name of your first wife? A Clarinda.
Q Is she dead? A Yes sir.
Q Was she a white woman? A Yes sir.
Q How long has she been dead? A Seven years I believe.
Q She is the mother of Thomas A.Lydia G.Ruthie F.and Willie A.
A Yessir.
Q Have you the proof of your marriage with your first wife with you now? A No sir.
Q Have you the proof of the marriage of your second wife?
A Yes sir.
Q Do you want to file it? A Yes, sir. The records of my first marriage was burned and I didn't know it was necessary to get it.

Certified copy of the license and certificate of the marriage of J. H. Drake to Martha Boothe presented by applicant, received, filed marked exibit A , made a part of the record in this case.

Q Is J.H.Drake in this license and certificate intended for your name? A Yes sir.
Q You are the identical person named in this certificate?
A Yes sir.

Q When and where were you married to your first wife? A In Wolf County Kentucky.
Q What date? A In the year '83 I believe as well as I remember; I'm not positive.
Q That could hardly be; you have a son eighteen years old.
A I aint positive of the date.
Q Were you married by a minister under a license? A Yes sir.
Q You haven't the proof of that marriage with you? A No.

You will be allowed thirty days time in which to introduce the proof of the marriage of your first wife and also any other evidence that you want to present in this case.

Q Is your name or are the names of any of these minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Never lived in the Indian Territory? A No sir.
Q This is the first time you were ever in the Indian territory?
A Yes sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilied Tribes or the United States Court in the Indian territory? A No sir.
Q Do you come before the Commission now to identify yourself and these children as Missisippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.

Q Do you understand that article do you think, well enough to claim under it. A Yes sir I think I do.

Without the explanation the article itself is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey ; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a potion of it . Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty or not ? A I dont know.
Q What is the name of your ancestor through whom you make this claim today? A John Harper and wife.
Q What is his wife's name? A I dont know.
Q They were both Indians? A Yes sir I've always been informed they were.
Q Full bloods? A yes sir.
Q What relation was John Harper to you? A Great great grandfather
Q And his wife great great grandmother? A Yes sir.
Q Did they live in Mississippi or Alabama or either place? A I dont know.
Q Did you ever hear they lived in the old Choctaw Nation at any time? A I've been informed they lived in Mississippi.
Q Do you know if they lived there in 1830 and had a family there then? A Only what I've heard.
Q Do you know whether any of your Choctaw ancestors John Harper or his wife or any other went to Colonel Ward within six months after the treaty of 1830 was ratified and told him they wanted to stay there take land and become citizens of the states? A Only what I've heard.
Q Did you ever hear that? A Yes sir.
Q Can you tell who told you? A No sir.
Q It's a matter of family history? A Yes sir.
Q You have no documentary evidence or records? A No sir.
Q Do you know if either of them or any Choctaw ancestor of yours lived on land in the old Choctaw Nation five years and then got a deed of it from the government under article fourteen of the treaty of 1830? A No sir.
Q Did either of them claim any land under that article of that treaty? A I dont know.
Q Did either of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between the ratification of the treaty of 1830 and the date

John Henry Drake 4

of thi s application made by you today for the purpose of making a permanent residence in the Choctaw Nation Indian Territory. A I dont know.
Q Did any of your Choctaw ancestors go between 1833 and 1838 with the other Indians at the expense of the government?
A I dont know.
Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I dont know.
Q Did any of your Choctaw ancestors go before a Commission in 1837 or the commission of 1842 and claim any rights under article fourteen of that treaty? A I dont know
[illegible]

These commission s were appointed by various acts of Congress to hear the complaints of Indians who went before Ward within six months from the ratification of the treaty of 1830 and tried to register but were not permitted to register and because their names did not appear upon his registry list those Indians had their land taken from them by the government and sold.

Q You dont know anything about that? No
Q Do you know whether any of your Choctaw ancestors received anyscrip from the government which entitled them to select land in Mississippi Alabama, Louisiana or Arkansas? A No sir I dont know.
Q What re a tion is C.C.Hanks to you? A Second cousin
Q Do you want his case considered with yours? A Yes Sir.

The case of Christopher Columbus Hanks M.C.R. 6508 is here referred to for the purpose of consolidation

Q Do you speak or understand the Choctaw languag e? A No sir.

Thirty days time is allowed this applicant in which to introduce other proof.

This applicant has the appearance and physical characteristics of being descended from white parentage; has black hair; brown eyes; dark brown mustache; medium fair complection; does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized tribes she repeted the above case on the 5th day of February 1903 and that the above and foregoing isa full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 13th day of February 1903.

Chas. W. Jacoyn

Notary Public.

M.C.R. 6647.

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified John H. Drake, that he will be allowed thirty days from this date in which to submit further evidence in support of his application for the identification of himself and his minor children as Mississippi Choctaws and that at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6647

Muskogee, Indian Territory, November 5, 1903.

John H. Drake,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your self and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6647

Muskogee, Indian Territory, March 14, 1904.

John H. Drake,

Campton, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your seven minor children, Thomas A. H., Lydia C., Ruthie F., Willie A., George W., Caroline and Charlie E. Drake, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory, and S. Heard, Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6647.

Muskogee, Indian Territory, June 26, 1905.

John H. Drake,

Campton, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chootaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6647 No. 6647

For Identification as a Mississippi Choctaw.

Date FEB 5 1903

Name John H. Horne (No 2)

Age 38 - Blood 1/8

Post Office, Compton, Ky

Father: Alexander Horne l.

Mother: Lydia " d

Claims through Mother 1/4

Wife 1st Larinda Horne (dec) W.
mother of 1st 4 children
2nd Martha Horne l. W
mother of last 3 children
No claim for wife

Children:

Thomas A. H. Horne. 18
Lydia C. " 16
Ruthie F. " 12
Willie A. " NH 8
George W. " 6
Caroline " 3
Charlie E " 5 m

Claim for self & children

Stenographer Clara Mitchell Wood

REPLY

John. N. Drake No 2. Et-a

MAR 4 1904

MAR 4 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

REFER TO M. C. R.

Choctaw MCR 6648

Alexander Drake

MCR 6648

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 5, 1903

In the matter of the application of Alexander Drake for identification as a Mississippi Choctaw.

S. Heard Attorney for applicant.

Alexander Drake being first duly sworn testified as follows

Examination by the Commission.

Q What is your name? A Alexander Drake.
Q What is your age? A Twenty two.
Q What is your post office address? A Torrent Kentucky.
Q How long have you lived there? A Since March '98.
Q Where were you born? A Wolf County Kentucky
Q You have always lived in Kentucky? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A George W. Drake.
Q What is your mother's name? A Jane Drake.
Q Do you claim your Choctaw blood through your father or mother? A My father.
Q How much do you claim? A One sixteenth
Q Was he one eighth? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian territory?? A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone? A yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I suppose not.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United states Court in the Indian Territory? A No sir.
Q Do you come before he Commission now to identify yourself as a Mississippi Choctaw claming under article fourteen of the treaty of 1830? A I heard article fourteen but I dont say I understand the article.
Q Do you claim under it; do you know? A I dont know about claiming under article fourteen; I'm not familiar with that.

The explanation will be just the same as I have given before; if you will follow me closely perhaps you will understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year; the object of the treaty was to remove the Choctaw Indians who lived in the old Choctaw Nation from that nation to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians

would not go to the Choctaw Nation Indian territory with the other Indians under the general provisions of the treaty; in order that some provisions might be made for those Indians who stayed back in that old Choctaw Nation article fourteen was put into the treaty of 1830 for their special benefit and protection; whether you know it or not this article is the article under which you and all claimants as Mississippi Choctaws make your claims before this Commission, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grantin fee simple shll issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand it? A Well in part; I suppose that was what I would be claiming under.
Q Do you think you understand it well enough to claim under it
A I think so.
Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article?
A I do not.
Q What are the names of your ancestors that you make your claim to be identified as a Mississippi Choctaw through today?
A John Harper and wife.
Q What's the wife's name? A I haven't learned it.
Q Never heard it? A No sir.
Q What relation was John Harper to you? A I suppose he was my great-great-great-grandfather.
Q What relation was his wife to you? A She would have been my great-great-great- grandmother.
Q How much Choctaw blood did they both have? A Supposed to be full.
Q That fact you learn from members of the family? A Yes sir.
Q Did they live in Mississippi at any time? A I cant tell.
Q You never heard? A Never heard.
Q Don't know whether they lived there in 1830 and were heads of families? A I do not.
Q Did they go to Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A I've been informed they did.
Q Where did they live at that time? A I cant state.
Q Well if they did go to Colonel Ward they must have gone to the state of Mississippi to make that application; you dont know whether they lived in Mississippi or Alabama or where they lived then or whether they went in there to make a flying trip and then went out again?

A No sir I dont know how that was. Only what I've been informed; they made the trip for that purpose.
Q It's a little remarkable you should have heard that fact and dont know where they lived at that time, as a good many applicants have been before the Commission and told. But you say you dont know where they lived? A I dont know where they lived; if I ever heard I have forgotten.
Q This happens to be a very important part of your case; unless you know whether or not your Mississippi Choctaw ancestors did really live in Mississippi you dont know whether you had any Mississippi Choctaw ancestors; however if you dont know you cant state.
Q Do you know if any of your Choctaw ancestors John Harper or his wife or any other went to Colonel William Ward the United States Indian agent within six months after the ratification of the treaty of 1830 and told him they wanted to stay in Mississippi take land and become citizens of the states?
Q I've heard they done so.
Q Do you know what was done with that application? A I did not.
Q Do you know if both went or one? A I do not.
Q Where did you get that information? A I've gotten it from my father and mother and other members of the family - grandfather and uncles and so forth.
Q They told you those things? A Yes sir.
Q Some of them have been before the Commission? A I have an uncle who has been before the Commission.
Q What is his name? A J.H.Drake.
Q Which one is that; there are two J.H.Drakes who have been before the Commission today; which one is it? A The last one I believe that was before the Commission.
Q Where does he live? A Campton Kentucky.
Q Areyou related to the other J.H.Drake who lives in Ardmore
A Yes sir I'm related to him but I dont know just what relation.
Q Do you know whether any of your Choctaw ancestors lived on land in the old Choctaw Nation in Mississippi or Alabama five years and then got a patent or deed for that land under article fourteen of the treaty of 1830? A No sir.
Q Or whether any of your ancestors claimed any land in the old Choctaw Nation under that article of that treaty? A No sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today, for the purpose of making a permanent residence in the Choctaw Nation Indian Territory? A I dont know whether they did or not.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I dont know.
Q Did any of them go before the Commission of 1837 or the Commission of 1842 and claim any rights under article fourteen of that treaty? A I dont know about that.

These two commissions were appointed by various acts of Congress to hear the complaints of Choctaw Indians who stated that they had gone before Colonel William Ward within

six months after the rratification of the treaty of 1830 and had attempted to register under article fourteen but that he had refused to accept their names for registration and because of his refusal to do this those Indians lost the land which they occupied in the old Choctaw nation; the government took it and sold it; you dont know anything about your ancestors having gone before either of those commissions? A No sir.

Q Did any of your Choctaw ancestors rec ive any scrip or certificates which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not to my knowing.

This scrip was issued underact of Congress approved August 23 1842.

Q Do you speak or understand the Choctaw language? A I do not

Thirty days time is allowed this applicant in which to introduce other proof if he desires.

Q Are you related to C.C.Hanks? A I am
Q Wha t relation is he to you? A Third cousin
Q You want to have your case consolidated with his? A Yes.

The case of C.C.Hanks M:C.R.6508 is here referred to for the purpose of consolidation.

---O---

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair; blue eyes; medium fair complection; does not understand the Choctaw language and has no knowledge of compliance on the part of hi s ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she repor ted the above case on the 5th day of February 1903 and that the above and fo egoing is a full true and correct transcript of her stenographic notes of the proceedings in said cause on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 13th day of February 1903.

Charles L. Sawyer

Notary Public.

M C R 6648

Muskogee, Indian Territory, November 5, 1903.

Alexander Drake,

Torrent, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received, or extension of time granted.

Respectfully,

Chairman.

M C R 6648

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Alexander Drake that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received, or extension of time granted.

Respectfully,

Chairman.

M.C.R.6648

Muskogee, Indian Territory, March 19, 1904.

Alexander Drake,

Torrent, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for your identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. E. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered. Commissioner in Charge.

M.C.R. 6648.

Muskogee, Indian Territory, June 26, 1905.

Alexander Drake,

Torrent, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1901.

Respectfully,

Chairman.

6648 No. 6648

For Identification as a Mississippi Choctaw.

Date FEB 5 1903

Name Alexander Horace.

Age 22 Blood 1/16

Post Office, Torrent, Miss.

Father: George W. Horace, d

Mother: Jane " d.

Claims through father 1/8.

Children:

Claims for self alone

Stenographer Clara Melcher Wood

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 19 1901

CHAIRMAN

Torrent Ky
4/16/04

Return to writer
Undaimed



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
MAR 24 04
MUSKOGEE, IND. TER.

Alexander Drake,

Torrent, Kentucky.

APR 19 1904

REVISED

FOR IDENTIFICATION

R. 66

Alexander Drake

DECISION RENDERED MAR 4 1904

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE TO DEPARTMENT

JUN 1905

Choctaw MCR 6649

Frank Meadows

MCR 6649

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 5, 1903.

In the matter of the application of Frank Meadows for the identification of himself and his three minor children, Harry Virgil, Ezra B., and Lydia Meadows as Mississippi Choctaws.

S. Heard, Attorney for applicant.

Frank Meadows being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Frank Meadows.
Q What is your age. A Twenty six.
Q What is your post office address? A Rogers Kentucky.
Q How long have you lived in Kentucky. A All my life.
Q And how long in Rogers? A About six or eight years there at that place.
Q Is your father living? A Yes sir.
Q And mother? A Yes sir.
Q What is your father's name? A John Meadows.
Q What is your mother's name? A Lydia.
Q Do you claim your Choctaw blood through your father or mother? A Mother.
Q How much do you claim? A One eighth.
Q Was she one fourth Choctaw? A I think so.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by any authority whatever in the Indian Territory? A Not that I know of.
Q Is your wife living? A Yes sir.
Q And a white woman of course? Yes sir.
Q Do you make any claim for her? A No sir.
Q What is her name? A Lindie.
Q Give me the names of your children beginning with the oldest under age and unmarried? A Harry Virgil.
Q How old is Harry? A Four years old.
Q The next? A Ezra B.
Q How old is Ezra? A Three.
Q The next? A The baby; it's about a month old; a girl; Lydia.
Q You claim for yourself and these three children do you?
A Yes sir.
Q Is your wife Lindie the mother of these three children?
A Yes sir.
Q Are you all living together at your home? A Yes sir.
Q Have you got the proof of your marriage with you? A No sir.
Q Do you know when and where you were married to your wife?
A Yes sir.
Q Give the day of the month and year? A January 1899.
Q January what days? A The 27th I think.
Q By a minister under a license? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.

Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by any authority whatever up to the present time? A I suppose not.
Q Is this your first application? A Yes sir.
Q Do you now want to be identified with your children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A I suppose I do; I've heard you repeat it a time or two; I think I do.
Q Do you think you understand it well enough to claim under it?
A I think so.

It is as follows:

"Each Choctaw head of a family being desirous to remain and becomeacitizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No sir not that I know of.
Q What is the name of your ancestor that you claim through now? A Harper.
Q What relation to you? A Great great grandfather I suppose.
Q Do you claim through his wife? ——? A Yes sir.
Q Can you tell what her name was? A Yes sir.
Q Were they both Choctaw Indians ? A Yes sir.
Q Full bloods? A That's what they say.
Q You get that from family history and tradition? A Yes sir.
Q How old would John Harper be if living now? A I dont know.
Q Where was he born? A I cant tell.
Q Where and when did he die? A I don't know.
Q Did he ever live in Mississippi or Alabama? A Not that I know of; I never heard.
Q Do you know if he lived in the Choctaw Nation in 1830 and had a family there then? A I dont know.
Q Did he go to Colonel Ward within six months after the ratification of the treaty of 1830 and try to register under article fourteen of that treaty? A I think I've heard he did.
Q Didn't you hear where he was living? A No sir.
Q Do you know where he lived afterwards? A No sir.
Q Did he live on land in the old Choctaw Nation five years and then get a patent from the government under article fourteen of that treaty? A I dont know.

Q Did he or any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A Not that I know of.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 for the purpose of making a home in the Choctaw Nation Indian Territory? A I dont know.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I cant tell.

Q Did any of them go before a commission appointed by act of Congress approved March 3 1837 or a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of that treaty? A I cant tell.

Q You heard me explain about those commissions to the other claimants under John Harper didn't you? A Yes sir.

Q You understand the reason why those commissions were appointed do you? A I think so.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know.

This scrip was issued under act of Congress approved August 23 1842.

Q Do you understand why that scrip was issued? A No sir.

It was issued to Choctaw Indians who proved their rights under article fourteen and proved that their land had been taken from them in the old Choctaw Nation and sold by the government.

Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant in which to introduce other proof in support of this application.

Q Are you related to C.C.Hanks? A Yes sir.

Q What relation? A Second cousin.

Q He has been before the Commission to be identified as a Mississippi Choctaw; do you want your case and his considered together? A Yes sir I suppose so.

The case of C.C.Hanks et al M.C.R. 6508 is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; has light hair; sandy mustache; light complection; blue eyes.

Q Do you speak or understand the Choctaw language.

Has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the

provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 5th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 13th day of February 1903.

Charles J. Sawyer

Notary Public.

M.C.R.6649.

Muskogee, Indian Territory, November 5, 1903.

Frank Meadows,

Rogers, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6649.

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Frank Meadows that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

D.C....6649

Muskogee, Indian Territory, March 19, 1904.

Frank Meadows,

Rogers, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and children, Harry V., Ezra B. and Lydia Meadows, as Mississippi Choctaws, was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered. Commissioner in Charge.

M.C.#. 6649.

Muskogee, Indian Territory, June 26, 1905.

Frank Meadows,

Rogers, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chootaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6649 No. 6649

For Identification as a Mississippi Choctaw.

Date FEB 5 1903

Name Frank Meadows.

Age 26 - Blood 1/8

Post Office, Rogers. Ky -

Father: John Meadows, l

Mother: Lydia " l.

Claims through mother 1/4

Wife.

Lindie Meadows. l. w

No claim for wife.

Children:

Harry V. Meadows. 4

Ezra B. " 2

Lydia " 1 m

Claim for self +
3 minors

Stenographer [illegible]

R.

Frank Meadows et al

DECISION RECORDED.

COPY OF [illegible] MAILED
ATTORNEY [illegible]
CHIEF CLERK [illegible]

NOTICE OF [illegible] TO APPLICANT MAR 1 1904

COPY OF [illegible]
ATTORNEY [illegible] MAR [illegible] 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED

Choctaw MCR 6650

Walter R. Evans

MCR 6650

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Walter R. Evans, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Walter R. Evans, et al., M.C.R. 6550
Joseph J. Evans, et al., M.C.R. 6551

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of Walter R. Evans, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Original application of Joseph J. Evans, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	6
Decision of the Commission refusing the applications in the consolidated case of Walter R. Evans, et al., for identification as Mississippi Choctaws-----	10

---o---

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 5, 1903.

In the matter of the application of Walter R. Evans for the identification of himself and his five minor children, Martha J., Joseph T., Lucy, U.L. and Crawford Evans as Mississippi Choctaws.

S. Heard attorney for applicant.

Walter R. Evans being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A My name is Walter R. Evans.
Q What is your age? A I will be fifty one in May.
Q What is your post office address? A It is now Eclectic Alabama. R.F.D.No.1.
Q What's R.F.D. A Rural Free Delivery.
Q How long have you lived in Alabama? A Born and raised there.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q what was your father's name? A David E. Evans.
Q What was your mother's name? A Rebecca was her name.
Q Do you claim your Choctaw blood through your father or mother
A My father.
Q How much Choctaw blood do you claim? A quarter.
Q Your father was one half? A Yes sir he was a half.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A He said he knew nothing about it.
Q Never was enrolled? A No sir; he told me, he would like mighty well to go to the Indian territory.
Q Is your wife living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A No sir; my wife is a white lady.
Q What is her name? A Martha F.
Q Do you claim for her? A No sir.
Q You have how many children? A I have five.
Q All under age and unmarried? A I have five with me.
Q All under age and unmarried? A Yes sir.
Q Under twenty one? A Yes sir.
Q And unmarried? A Yes sir.
Q What is the name of the oldest? A Her name is Martha Jane.
Q How old is she? A Fourteen years old.
Q The next? A Joseph T.
Q How old is Joseph? A He's between twelve and thirteen.
Q About twelve you call him? A Yes sir.
Q The next one? A Lucy.
Q How old is Lucy? A Eleven going on twelve.
Q Eleven? A Yes sir.
Q What is the name of the next child? A U.L.
Q Is that all the name he has? A Yes sir.
Q That "U" don't stand for any name nor the "L"? A No sir.
Q That must be a boy? A Yes sir.

Q How old is U.L? A Ten years old.
Q What is the name of the next? A Crawford.
Q How old is Crawford? A He's going on ten years old now.
Q Nine years old now? A Yes sir.
Q What is the name of the next child? A That's all.
Q You claim for yourself and these five children? A Yes sir. Under the treaty of 1830.
Q Is your wife Martha F. Evans the mother of these children?
A yes sir.
Q When and where were you married to her? A In Tallapoosa County Alabama.
Q What day of the month and year? A The 18th of September 1873.
Q Were you married by a minister under a license? A No sir we were married by a Justice of the peace.
Q Under a license? A Yes sir.
Q Have you the proof of that marriage with you now? A No sir.
Q You will be allowed thirty days time in which to introduce proof of your marriage and also proof of your father's marriage to your mother and any other testimony that you may want to present in support of this case.
A I cant get the proof of my father's marriage I dont reckon; I dont know; I don't know whether he married in Tallapoosa County or not.
Q You will be allowed time in which to look into that question; possibly you may get that evidence through the testimony of two witnesses.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir not till now.
Q Have you ever made any such application for yourself and children to the Dawes Commission under that act of Congress of June 10, 1896? A No sir.
Q This is your first application of any kind? A Yes sir.
Q You never have been admitted as a citizen by any authority whatever? A No sir.
Q Do you now want to be identified with your children as Mississippi Choctaws? A If possible.
Q Do you claim under article fourteen of the treaty of 1830 ?
A Yes sir; think I understand it.
Q You dont care to have it explained any further? A No sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article? A I suppose not.
Q What is the name of your ancestor that you claim through now
A My father.
Q Go back as far as you can? A My grandmother.
Q How far back can you go - to your grandmother? A I can go back as far as my great grand father and great grandmother.
Q Which had the Choctaw blood ?A Both..
Q What was your great grandfather's name? A Joshua Reeves.
Q And your great grandmother's name was what? A I think her name was Betsey Reeves.
Q Were they both Choctaws? A I suppose so
Q How much? A I suppose they were full blood; they lived in the Choctaw Nation in Alabama.
Q Did they live in Missi sippi or Alabama? A Alabama. I was
X born and raised in the Choctaw Nation.
Q Where was that? A In Tallapoosa County.
Q How near was that to the boundary line between Alabama and Mississippi? A I cant tell you; it's a good long ways.
Q Is it in the northern or southern or easternor western part of Alabama? A In the eastern part of Alabama; it's not exactly in the eastern; there's two counties between the line and where I live.
Q How do you know you live in the old Choctaw nation? A I suppose so from what I learn.
Q The great portion of the Choctaw nation was in Mississippi and a small portion in Alabama just across the boundary line; you live in the eastern part? A yes sir.
Q Did Joshua Reeves live in the eastern or western portion? A In Tallapoosa County.
Q Do you know whether any of your Choctaw ancestors Joshua Reeves or Betsey Reeves or any other went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty atthe expense of the government or whether they went at any other time from that old Choctaw Nation to the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir I dont know anything about that.
Q Do you know whether any o them went to Colonel Ward and told him they wanted to stay in Mississippi or Alabama take land and become citizens of the states? A I do not; I dont k now a thing about that.
Q Dont know whether they went within six months after the ratification of the treaty of 1830? A No sir.
Q Do you know if any of your Choctaw ancestors lived in the old Choctaw Nation in 1831 and lived on land thereafter five years either in Mississippi or Alabama and at the end of that time got a patent from the government that land under article four teen? A No sir I do not.
Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation in Alabama or Mississippi under article fourteen of that treaty? A Not th t I know of.
Q Or owned any improvements on land in the old Choctaw nation in 1830? A No sir
Q Did any of them go before the Commission of 1837 or the Commission of 1842 and claim any rights under article fourteen of that treaty? A No sir, I don't know anything about that.

Q These Commissions were appointed by act of Congress one of them appointed by act of Congress approved March 3 1837 and another by act of Congress approved August 23 1842 and they wereappointed because of the complaints of Indians who stated that they had gone to Colonel Ward and attempted to register under article fourteen within six months from the ratification of the treaty of 1830 but that Colonel Ward had refused to register them and because of his refusal the government had taken the and from them and sold it in the old Choctaw Nation.

Q You don't know whether they went before those commissions or not? A No sir.
Q Did any of your Choctaw ancestors receive any scrip or any certificates from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas?
A I dont know that/

This scrip was issued under act of Congress approved August 23 1842 and was issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw nation had been taken from them by the government and sold.

Q Do you speak or understand the Choctaw language? A No sir.
Q You claim through your father David H. Evans? A Yes sir.
Q And he claims through which parent - father or mother?
A Mother.
Q What was her name? A Lavina Evans after she was married
Q Her name was Reeves before she married? A Yes sir.
Q What was her father's name? A Joshua.
Q And her mother? A Betsey, I understand.
Q And these are the ancestors you claim through? A Yes sir.
Q Their daughter was a full blood? A Yes sir.
Q And your father is descended from her? A Yes sir.
Q And is one half Choctaw? A Yes sir.
Q And you are a quarter? A Yes sir.

Thirty days time is allowed this applicant in which to introduce other proof in support of this claim if he desires to do so.

Q Have you any relatives that have been before this Commission
A One.
Q Who was that? A Mrs. M.J.Parker.
Q You want to have your case consolidated with the case of Martha J. Parker et al? A Yes sir.
Q What relation are you to Martha J. Parker? A Own born cousins.
Q First cousins? A Yes sir.

The case of Martha J. Parker et al a relative of this applicant Walter E. Evans is here referred to as the case of an applicant claiming through the same common ancestor that this applicant claims through.

This applicant has the appearance and physical characteristics of being descended from white parentage.

Q What was the color of your hair and mustache formerly?
A My hair was black.

Has bright blue eyes; medium fair complection; mustache and hair now gray; he says it was formerly black. He does not understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 5th day of February 1903 and that the above is a true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 13th day of February 1903.

Charles T. Sawyer

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Walter R. Evans, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Walter R. Evans, et al., M.C.R. 6650
Joseph J. Evans, et al., M.C.R. 6651

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Walter R. Evans for himself and his five minor children, Martha Jane, Joseph T., Lucy, U. L., and Crawford Evans; and by Joseph J. Evans for himself and his four minor children, Ida, Thomas, Lillian Frances and Josie Evans, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September-twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Joshua Reeves and Betsey Reeves, who are alleged to have been full-blood Choctaw Indians.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joshua Reeves, or Betsey Reeves, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Walter R. Evans, Martha Jane Evans, Joseph T. Evans, Lucy Evans, U. L. Evans, Crawford Evans, Joseph J. Evans, Ida Evans, Thomas Evans, Lillian Frances Evans and Josie Evans, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,

AUG 1903.

M 650

COPY.

[illegible], 1903.

[illegible] Evans,
R. F. D. #1
Eclectic, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Walter R. Evans et al., embracing the following applications for identification as Mississippi Choctaws:

Walter R. Evans, et al.,	M. C. R. 6650
Joseph J. Evans, et al.,	M. C. R. 6651

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Walter R. Evans, Martha Jane Evans, Joseph T. Evans, Lucy Evans, U. L. Evans, Crawford Evans, Joseph J. Evans, Ida Evans, Thomas Evans, Lillian Frances Evans and Josie Evans, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

W R E -1-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.

Register. Commissioner in Charge.

M C R 6650

COPY.

Muskogee, Indian Territory, August 1, 1903.

S. Heard,

Attorney at Law,

Tishemingo, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Walter R. Evans, et al., embracing the following applications for identification as Mississippi Choctaws.

Walter R. Evans, et al., M C R 6650
Joseph J. Evans, et al., M C R 6651

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Walter R. Evans, Martha Jane Evans, Joseph T. Evans, Lucy Evans, U. L. Evans, Crawford Evans, Joseph J. Evans, Ida Evans, Thomas Evans, Lillian Frances Evans and Josie Evans, as Choctaw Indians entitled

S. H. 2

to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

M C R 6650

COPY.

Muskogee, Indian Territory, August 1, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Walter R. Evans, et al., embracing the following applications for identification as Mississippi Choctaws:

Walter R. Evans, et al., M C R 6650
Joseph J. Evans, et al., M C R 6651

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identify of Walter R. Evans, Martha Jane Evans, Joseph T. Evans, Lucy Evans, U. L. Evans, Crawford Evans, Joseph J. Evans, Ida Evans, Thomas Evans, Lillian Frances Evans and Josie Evans, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Walter R. Evans, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 1, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Walter R. Evans, et al., M.C.R.6650;
Joseph J. Evans, et al., M.C.R.6651.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the Mississippi Choctaw case of Martha Jane Parker, et al., M.C.R. 6305, decision in which was rendered by the Commission on February

Secretary 2.

4, 1903, and approved by the Secretary May 6, 1903.

Respectfully,

Through the
Commissioner of Indian Affairs.

2 enclosures: K.C.R.6650.

T. B. Needles.
Commissioner in Charge.

M.C.R.6650
" " " 6651

Muskogee, Indian Territory, October 7, 1903.

W. R. Evans & J. J. Evans,

R. F. D. #1, Eclectic, Alabama.

Gentlemen:

Your letter of September 27, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You state therein that you have been notified by the Commission that the evidence in your case is insufficient to identify you under Article XIV.

In reply to your letter, you are informed that it not appearing from the evidence offered in support of your applications for identification as Mississippi Choctaws or from the records of the government in the possession of the Commission that you are the descendants of Choctaw ancestors, who resided in the old Choctaw Nation in Mississippi and Alabama, in 1830, and who complied, or attempted to comply with the provisions of Article XIV of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, or whose claims thereunder were subsequently adjudicated by Commissions authorized thereunto by the Acts of Congress of March 3, 1837 and August 23, 1842, the Commission is without authority to identify you and your children as Choctaw Indians entitled

to allotments in the Choctaw-Chickasaw country.

It appears from our records that on August 1, 1903, the Commission rendered its decision refusing your applications for identification as Mississippi Choctaws and on August 17, 1903, the record in your case was transmitted to the Secretary of the Interior. The Commission has not yet been advised of Departmental action in these cases.

Respectfully,

Chairman.

M C R 6650
M C R 6651

Muskogee, Indian Territory, November 4, 1903.

W. R. Evans,

Central, Alabama.

Dear Sir:

Receipt is hereby acknowledged of a joint letter of yourself and J. J. Evans, of the 22nd ultimo, by reference from the Secretary of the Interior. Therein you state you believe you have been swindled by your attorney, S. Heard, and think you should be allowed to offer further evidence in support of your claim.

In reply you are informed that it appears from our records that on August 1, 1903, the Commission rendered its decision refusing the several applicants included in the consolidated Mississippi Choctaw case of Walter R. Evans, et al., of which the application of Joseph J. Evans is a part.

On August 17, 1903, the record in said consolidated case, together with the decision of the Commission, was forwarded the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider any further evidence in support of this case.

Respectfully,

Chairman.

(COPY).

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land.
53562-1903.

WASHINGTON, November 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following:

Walter R. Evans for himself, and his five minor children:

Martha, Jane, Joseph T., Leroy U. L., and Crawford Evans,

Joseph J. Evans for himself and his four minor children:

Thomas , Lillian, Frances and Josie Evans,

wherein a decision adverse to the applic nts was rendered by the Commission August 1, 1903.

The testimony in this case shows that the applicants base their claim to identification of their descent from Joshua and Betsey Reeves, who it is alleged were full blood Choctaw Indians and residents in Mississippi or Alabama at the time of the makin of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the

ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of the ancestors Joshua and Betsey Reeves and it is discovered that their names do not appear among the names of those who complied or attempted compliance with the provisions of said article and treaty. Neither does it appear that they applied to the Commission appointed under acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

It is therefore recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner.

C.T.C. (B).

(COPY).

JWH.
PHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 20, 1903.

D.C. 32816.
I.T.D. 7958-1903.
L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 17, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws of Walter R. Evans (M.C.R. 6650) for himself and his five minor children, Martha Jane, Joseph T., Lucy, U. L., and Crawford Evans; and of Joseph J. Evans for himself and his four minor children, Ida, Thomas, Lillian Frances and Josie Evans, together with your decision of August 1, 1903, refusing to identify them as such.

It appears that the principal applicants obtained their Choctaw blood from their father, David E. Evans, who was an one-half blood Choctaw. He was the son of Mrs. John Evans, formerly Lavina Reeves. She was the daughter of Joshua and Betsey Reeves, both of whom were full blood Choctaws.

It does not appear from the testimony presented by the applicants that any of their ancestors ever complied or attempted to

comply, in any way or at any time, with the provisions of article 14 of the treaty of September 27, 1830.

The reports of the Commissioner of Indian Affairs relating to this case, dated November 6 and 16, 1903, show that the records of the Indian Office contain no information whatever tending to establish that the ancestors of these applicants were entitled to the benefits of said article 14. In the former report the Commissioner recommended that your action rejecting the applicants be approved.

The Department concurs in said recommendation. Your decision is hereby affirmed.

Copies of the Commissioners reports are enclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

2 inclosures.

M.C.R.6650.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Walter R. Evans,

R. F. D. #. 1.

Eclectic, Alabama.

Dear Sir:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Walter R. Evans et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 6650.

COPY.

Muskogee, Indian Territory, December 3, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Walter R. Evans et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 6650.

Muskogee, Indian Territory, December 3, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Walter R. Evans et al., of which decision you were advised by mail on the 1st day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M C R 6650
M C R 6651

Muskogee, Indian Territory, December 28, 1903.

W. R. Evans,

Dexter, Alabama.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself and J. J. Evans, dated December 15, 1903. Therein you acknowledge receipt of our letter of the 3rd instant and state that it appears from said letter that you are entitled to allotment in the "Mississippi Choctaws Indian lands", and that "We send in this as our applications for allotment in the lands."

In reply you are informed that our letter of December 3, 1903, advised you that your case had been refused by the Commission to the Five Civilized Tribes, and that decision affirmed by the Secretary of the Interior. The Commission therefore now considers your case closed, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

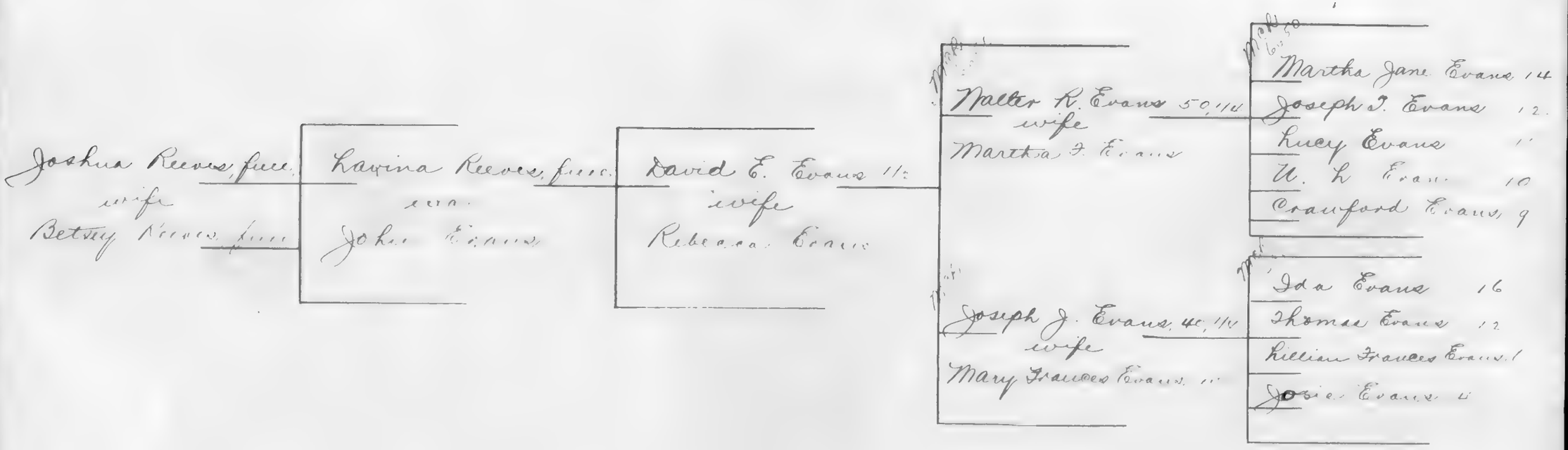
Chairman.

REFER TO M. C. R. [illegible]

Walter K. Evans
et al

Consolidated Case.

Supplemental to
Martha J. Parker
et al
M.C.R. [illegible]


Joshua Reeves, fmr.
wife
Betsey Reeves, fmr.
Lavina Reeves, fmr.
son
John Evans
David E. Evans 11
wife
Rebecca Evans
Walter R. Evans 50, 11/12
wife
Martha J. Evans
Joseph J. Evans, 46, 11/12
wife
Mary Frances Evans, 11
Martha Jane Evans 14
Joseph J. Evans 12
Lucy Evans 1
W. L Evans 10
Crawford Evans 9
Ida Evans 16
Thomas Evans 12
Lillian Frances Evans 1
Josie Evans 6

No. 6650

For Identification as a Mississippi Choctaw.

Date FEB 5 1903

Name Walter R. Evans

Age 50 Blood 1/4

Post Office, Eclectic, Ala. R.F.D. No 1.

Father: David E. Evans. d.

Mother: Rebecca . . d

Claims through father 1/2

wife.

Martha F. Evans. l.w.

No claim for wife.

Children:

Martha J. Evans. 14

Joseph T. " 12

Lucy " 11

W.L. " M 10

Crawford " " 9.

Claim for 2 yrs &

5 months

Stenographer Clara Mitchell Wood.

Walter R. Evans et

Choctaw MCR 6651

Joseph J. Evans

MCR 6651

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 5, 1903.

In the matter of the application of Joseph J. Evans for the identification of himself and his four minor children Ida, Thomas, Lillian Frances and Josie Evans as Mississippi Choctaws.

S. Heard, Attorney for applicant.

Joseph J. Evans, being first duly sworn testified as follows:

Examination by the Commissioner:

Q What is your name? A Joseph J. Evans.
Q What is your age? A Forty years old.
Q What is your post office address? A Eclectic.
Q What state? A Alabama.
Q Have you always lived in Alabama? A Yes sir except two years.
Q What two years? A Eighty nine and ninety.
Q Where did you live then? A In Mississippi.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A David F. Evans.
Q What was your mother's name? A Rebecca.
Q Do you claim through your father ? A Yes sir.
Q How much Choctaw blood do you claim? A One fourth.
Q Is your father one half Choctaw? A Supposed to be - yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory?
A Not as I know of.
Q Do you know when and where he was married to your mother? A Well not sir I don't know.
Q You haven,t got the proof of that marriage with you?
A No sir but I think he was married in Alabama.
Q At what place in Alabama? A In Tallapoosa County..
Q What date if you know ? A In fifty one I think.
Q What day of the month? A If I aint mistaken it was in July - I think about the seventh; I wont be positive.
Q Is your wife living? A Yes sir.
Q A white woman? A Yes sir; Mary Frances.
Q You don't make any claim for her? A No sir.
Q Have you any children you want to make application for?
A Yes sir.
Q Give me the names of your children under age and unmarried beginning with the oldest. A Ida.
Q How old is Ida. A Sixteen
Q What is the name of the next child? A Thomas.
Q How old is Thomas? A Twelve.
Q The next? A Lillian Frances.
Q How old is she? A She's six years old.
Q Is that all? A No sir I have one more, Josie.
Q Girl? A Yes sir.
Q How old? A Four years old.
Q Is that all? A That's all.

Q You claim for yourself and these four children? A Yes sir.
Q Is Mary F. Evans the mother of these minor children? A Yes sir.
Q Are you and your wife and children all living together at home? A Yes sir.
Q Have you the proof of your marriage to your wife with you now? A No sir.
Q Do you remember when and where you married her? A Yes sir.
Q Give me the date? A The thirtieth day of December 1880.
Q Where ? A In Tallapoosa County Alabama.
Q By a minister? A By a justice.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Never before.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q You never have been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribesor the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A Yes sir.
Q Do you make that claim under article fourteen of the treaty of 1830? A Yes sir.
Q You understand that do you? A I think so, yes sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I do not.
Q Are you related to Walter R. Evans? A Yes sir.
Q He's your brother ? A Yes sir.
Q He made application today? A Yes sir.
Q Do you claim through your great great grandfather? A Yes sir
Q And great great grandmother? A Yes sir.
Q What was his name? A Joshua Reeves.
Q What was her name? A Betsey Reeves/

Q How much Choctaw blood did they have? A It's said they were full bloods.
Q Did they live in Alabama or Mississippi? A They lived in what we call Alabama now. Years ago I suppose it was Mississippi.
Q Did they live there in 1830 and have a family there then? A I suppose so, I do not know.
Q Have you heard so from members of the family? A No sir I have not.
Q You dont know about that? A No sir I dont know.
Q You claim through your father and he claims through which parent - father or mother? A Mother.
Q What was her name? A Lavina.
Q What was her maiden name? A Reeves.
Q She married Evans? A Yes sir.
Q What was the full name? A John.
Q He didn't have any Choctaw blood? A I think not.
Q Did your mother live in Alabama in the old Choctaw Nation in 1830 and have a family there then? A Not that I know of.
Q You don't know the name of any Choctaw ancestor whom you do know lived there at that time and had a family there then?
A No sir.
Q Did any of your Choctaw ancestors go to the United States Indian agent within six months after the ratification of the treaty of 1830 and attempt to register under that article of that treaty? A I dont know sir.
Q Did any of them live on landin the old Choctaw Nation In Mississippi or Alabama five years and then get a patent from the government for the land under article fourteen of that treaty? A I dont know sir.
Q Did any of them claim any land in the old Choctaw Nation in Alabama or Mississippi under article fourteen at that time?
A I dont know sir.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence or home in the Choctaw Nation Indian Territory? A Not that I know of.
Q Did any of them go to the Choctaw Nation Indian Territory from the old Choctaw Nation with the other Indians between 1833 and 1838 or forty? A I dont know sir.
Q Did any of them own improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know.

In 1837 by act of Congress approved March 3 of that year and also in 1842 by an act of Congress approved August 23 of that year commissions were appointed; those commissions went to the state of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

Q Do you know whether any of your choctaw ancestors Joshua Reeves of his wife or any other went before either of these commissions and claimedany rights under article fourteen of the treaty of 1830? A No sir I dont.

These commissions were appointed because of the complaints of Indians who stayed in the old choctaw Nation after the

treaty of 1830 was ratified and who went to Colonel Ward or claimed that they went to him within six months after the ratification of the treaty of 1830 and tried to register under article fourteen and also further claimed that Colonel Ward neglected to put their names on his registry list and because of his neglect to do this their land was taken from them in the old Choctaw nation in Mississippi and Alabama.

Q Do you know whether any of your Choctaw ancestors received any scrip from the government which entitled to select land in Mississippi Alabama Louisiana or Arkansas? A I do not.

This scrip or these certificates as we would call them now were issued by the act of Congress approved August 23 1842 and were given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw nation had been taken from them by the government and sold at its public land sales.

Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any other evidence you want to present now?
A No sir.

Thirty days time is allowed this applicant in which to introduce otherproof.

Q Do you want to have your case and your brother Walter W. Evans' case considered together? A Yes sir.

These cases are to be consolidated, M.C.R. 6650 is here referred to for that purpose.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; light brown mustache; brown eyes; medium dark complection does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

The case of Martha J. Parker M.C.R. 6305 is here referred to .

Clara Mitchell Wood being first duly sworn states that she reported the above case and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on the 5th day of February 1903.

Clara Mitchell Wood

Subscribed and sworn to before me this 13th day of February 1903.

Charles E. Lamps

Notary Public.

M C R 6651

COPY.

Muskogee, Indian Territory, August 1, 1903.

Joseph J. Evans,

Eclectic, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Walter R. Evans, et al., embracing the following applications for identification as Mississippi Choctaws:

Walter R. Evans, et al., M C R 6650
Joseph J. Evans, et al., M C R 6651

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Walter R. Evans, Martha Jane Evans, Joseph T. Evans, Lucy Evans, U. L. Evans, Crawford Evans, Joseph J. Evans, Ida Evans, Thomas Evans, Lillian Frances Evans and Josie Evans, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and

it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

M.C.R.6650
" " " 6651

Muskogee, Indian Territory, October 7, 1903.

W. R. Evans & J. J. Evans,

R. F. D. #1, Eclectic, Alabama.

Gentlemen:

Your letter of September 27, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You state therein that you have been notified by the Commission that the evidence in your case is insufficient to identify you under Article XIV.

In reply to your letter, you are informed that it not appearing from the evidence offered in support of your applications for identification as Mississippi Choctaws or from the records of the government in the possession of the Commission that you are the descendants of Choctaw ancestors, who resided in the old Choctaw Nation in Mississippi and Alabama, in 1830, and who complied, or attempted to comply with the provisions of Article XIV of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, or whose claims thereunder were subsequently adjudicated by Commissions authorized thereunto by the Acts of Congress of March 3, 1837 and August 23, 1842, the Commission is without authority to identify you and your children as Choctaw Indians entitled

to allotments in the Choctaw-Chickasaw country.

It appears from our records that on August 1, 1903, the Commission rendered its decision refusing your applications for identification as Mississippi Choctaws and on August 17, 1903, the record in your case was transmitted to the Secretary of the Interior. The Commission has not yet been advised of Departmental action in these cases.

Respectfully,

Chairman.

M C R 6650
M C R 6651

Muskogee, Indian Territory, November 4, 1903.

W. R. Evans,

Central, Alabama.

Dear Sir:

Receipt is hereby acknowledged of a joint letter of yourself and J. J. Evans, of the 22nd ultimo, by reference from the Secretary of the Interior. Therein you state you believe you have been swindled by your attorney, S. Heard, and think you should be allowed to offer further evidence in support of your claim.

In reply you are informed that it appears from our records that on August 1, 1903, the Commission rendered its decision refusing the several applicants included in the consolidated Mississippi Choctaw case of Walter R. Evans, et al., of which the application of Joseph J. Evans is a part.

On August 17, 1903, the record in said consolidated case, together with the decision of the Commission, was forwarded the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider any further evidence in support of this case.

Respectfully,

Chairman.

M.C.R. 8651.

Muskogee, Indian Territory, December 5, 1903.

Joseph J. Evans,

Eclectic, Alabama.

Dear Sir:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Walter R. Evans et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M C R 6650
M C R 6651

Muskogee, Indian Territory, December 28, 1903.

W. R. Evans,

Dexter, Alabama.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself and J. J. Evans, dated December 15, 1903. Therein you acknowledge receipt of our letter of the 3rd instant and state that it appears from said letter that you are entitled to allotment in the "Mississippi Choctaws Indian lands", and that "We send in this as our applications for allotment in the lands."

In reply you are informed that our letter of December 3, 1903, advised you that your case had been refused by the Commission to the Five Civilized Tribes, and that decision affirmed by the Secretary of the Interior. The Commission therefore now considers your case closed, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

6651

No. 6651

For Identification as a Mississippi Choctaw.

Date FEB 5 1903

Name Joseph J. Evans

Age 40 Blood 1/4

Post Office, Eclectic, Ala

Father: Davis E. Evans. d

Mother: Rebecca " d

Claims through father. 1/2

wife.

Mary F. Evans. l.w

No claim for wife

Children:

Ida Evans. 16

Thomas " 12

Lillian F. " 6

Josie " 4

Claim for res & H. minors

Stenographer Clara Mitchell Wood

FOR DEFENDANT IN ERROR.

A MISSISSIPPI DECISION.

R. ( )

Joseph. J. Evans et

Choctaw MCR 6652

Millie Hall

MCR 6652

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Millie Hall, et al., for identification as Mississippi Choctaws, M.C.R. 6652.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of Millie Hall, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Communication of Millie Hall to the Commission---------	7
Decision of the Commission refusing the application of Millie Hall, et al., for identification as Mississippi Choctaws----------	8

----o----

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 5, 1903.

In the matter of the application of Millie Hall for the identification of herself and her seven minor children Ida, Ollie, Emma, Sarah, Harry, Mary and Marie Hall as Mississippi Choctaws.

Millie Hall being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Millie Hall.
Q What is your age? A Thirty six.
Q What is your post office address? A Wellington Kansas.
Q How long have you lived there? A Eight years.
Q Where did you live before that? A In Atchison Kansas.
Q Where were you born? A In Mississippi.
Q What place in Mississippi? A Copiah County in Mississippi.
Q How long did you live in Mississippi? A Until I wasnineteen years old.
Q And went to what state? A Kansas.
Q What is your father's name? A Abe Bannister.
Q Is he living? A Yes sir.
Q What was your mother's name? A Sallie.
Q Is she dead? A Yes sir.
Q Do you claim your Choctaw blood through your mother?
A Yes sir.
Q How much was she? A Full blood.
Q How much do you claim? A One half.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I dont know sir
Q What was your father's blood? A Colored I suppose.
Q Full blood colored man? A Yes sir.
Q And your mother was how much? A Full blood Indian.
Q Were either of your parents slaves at any time?
A My fatherwas but my mother wasn't; my mother, they stole and made her a slave .
Q You were born after the war was over? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his blood or nationality? A Colored.
Q He has no Choctaw blood? A No sir
Q You dont make any claim for him? A No sir.
Q What is his name? A Daniel Hall.
Q Now give me the names of your children beginning with the oldest. A Ida.
Q How old? A Fifteen.
Q The next? A Ollie. Thirteen.
Q The next? A Emma Eleven
Q Next? A Sarah, eight. Harry, five, Mary three, Marie one.
Q You claim for yourself and these seven children do you?
A Yes sir.
Q Is Daniel Hall the father of these children? A Yes sir.

Q Are you and your husband living together at his home?
A Yes sir.
Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A Why, no sir I never.
Q Nor anybody else for them? A We had a lawyer ; he worked for us; we paid him and he didn't do anything.
Q Who was the lawyer? A I believe they call him Mullens.
Q Where was this? A I dont know; my husband said he paid him;
Q This was up in Kansas ? A Down in the Choctaw Nation.
Q Did you live in the Choctaw Nation? A No sir.
Q Did he go to the Choctaw Nation and see this lawyer? A Yes sir.
Q But the lawyer didn't do anything? A No sir.
Q Has any application ever been made for you or by you for these children for citizenship in the Choctaw nation to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q This lawyer didn't do anything about this either? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United Sites Court in the Indian territory? A No sir.
Q Do you come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understan d that article? A No sir I dont.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of this treaty was to remove as far as practicable all of the Choctaw Indians who were then living in that old Choctaw Nation east of the Mississippi river from that old Choctaw Nation to the Choctaw Nation Indian Territory; before this treaty could be signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian territory with the other Indians and in order to protect the interests of those Indians who would not go to the Choctaw Nation Indian Territory west of the Mississippi river article fourteen was put into the treaty of 1830; then the treaty was signed and afterwards was ratified; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present

improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir.
Q What is the name of your ancestor that you claim through now; I mean your grandfather, grandmother, great grandfather or great grandmother? A My grandfather.
Q Is that as far back as you can go? A Yes sir.
Q What was his name? A Barney Kelly.
Q What relation was he - grandfather? A Yes sir.
Q How much Choctaw blood did he have? A Full blood.
Q Do you claim anything through his wife? A My grandmother - Viney.
Q Do you claim anything through Barney Kelly's wife - did Barney Kelly's wife have any Choctaw blood? A Yes sir.
Q How much? A Full blood
Q What was her name? A Viney.
Q She was a full blood was she? A Yes sir.
Q So your mother, who claims through Barney Kelley and Viney was a full blood was she? A Yes sir.
Q Now did Barney Kelley and his wife Vinie Kelly live in Mississippi in 1830 and have a family there then? A No sir.
Q Where did they live in 1830? A In the Choctaw Nation.
Q That was before the Choctaw Indians came from Mississippi - the year 1830 was seventy three years ago and the Choctaw Indians had never come to the Choctaw Nation Indian Territory up to that time; they couldn't have been in this Indian Territory then? A She was born and raised in the Choctaw Nation Indian Territory.
Q I'm talking about your grandfather and grandmother? A I don't know where they was raised.
Q Your mother probably might have been born in the Choctaw Nation Indian Territory but I wasn't asking about her; I'm asking you now about Barney Kelly your grandfather and his wife Viney; did they ever live in Mississippi? A I don't know sir.
Q Where did your mother come from; was she born in the Choctaw Nation Indian Territory? A Yes sir.
Q Then her motherused to live in the Choctaw Nation Indian Territory? A Yes sir.
Q Where did she come from? A I don't know where her mother came from.
Q Where did your mother's father Barney or his wife Vinie come from; did you ever hear they lived in Mississippi?
A I never heard anything about them living in Mississippi.
Q Can you give the name of any Choctaw ancestor who did live in Mississippi or Alabama at any time? A No sir.
Q Now you come here today to claim the right to be identified as a Mississippi Choctaw and that claim is based upon the fact that you are the descendant of a Choctaw ancestor who used to live either in Mississippi or Alabama in the old Choctaw Nation but you say you dont know anything about that?
A I don't know where her parents came from.
Q How can you be a Mississippi Choctaw then? A I was born and raised in Mississippi.
Q Did your mother go back to Mississippi -- you claim your Choctaw blood through your mother and you say your mother was born in the Choctaw Nation? A They stole her out of the Choctaw Nation and carried her to Mississippi in slavery

time; the white folks did.
Q Your mother used to live in Mississippi and you were born there? A Yes sir.
Q Well that makes you your own ancestor then; I mean if you are the only one of the whole kin folks way back who lived in Mississippi; you are the only one that lived in Mississippi; you don't know anything about your grandfather and grand mother whom you say were Choctaw ancestors; you don't know where they lived; you say your mother was born in the Choctaw Nation Indian Territory; therefore her mother must have been living in the Choctaw Nation Indian Territory some time; then you say your mother was a slave and taken to Mississippi where you were born; now you are the only one that you have given who was a resident of the state of Mississippi at any time; don't you know whether Barney Kelly or Vinie his wife used to live in Mississippi or Alabama at any time? A No sir I don't know.
Q Didn't you ever hear where your mother came from before she went to the Choctaw Nation Indian Territory? A No sir, she said she was born and raised in the Choctaw Nation Indian Territory.
Q Don't it look to you as though your grandfather and grand mother and your mother were Indian freedmen; wasn't your mother an Indian freedman instead of a Choctaw Indian? Were'nt they slaves of Choctaw Indians at one time? A I don't know sir.
Q But your fatherwas? A Yes.
Q And wasn't Barney Kelly and his wife Vinie slaves at one time? A I don't know sir.
Q Your mother was a slave because she was stolen? A Yes, sir.
Q Doesn't it look to you as though you should claim as a freedman and not as a Choctaw Indian by her being a slave? The trouble with your case now is this: you cant give the name of any Choctaw Indian ancestor who lived in Mississippi.

Q Do you know whether any of your Choctaw ancestors lived in the state of Mississippi or the state of Alabama in 1830 and were the heads of families there then? A No sir.
Q Did any of your Choctaw ancestors if you had any Choctaw ancestors go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 at his agency in Mississippi and tell him they wanted to register under article fourteen of that treaty?
A I don't know.
Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
Q Did any of them live on land in the old Choctaw Nation five years and at the end of that time get a patent from the government for that land? A No sir I dont.
Q Ever hear about that? A No sir.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation Indian Territory? A I dont know sir.

Q You say your mother was born in the Choctaw Nation?
A Yes sir.
Q And was stolen from there and taken to Mississippi; now if she was born in the Choctaw Nation Indian Territory her mother was living in the India n Territory at that time; do you know if hermother ever went from Missis ippi or Alabama to the Choctaw Nation Indian Territory? A No sir I dont know.
Q Did any ofyour Choc taw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between 1833 and 1838 with the other Indians at the expanse of the government? A No sir not that I know of.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I dont know.

In 1837 by act of Congress approved March 3rd of that year and also in 1842 by and her act of Congress approved August 23rd of that year, commissions were appointed which commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830; these commissions were appointed because of the complaints of Choctaw Indians who stated that they had gone to Colonel Ward within six months after theratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but that their names had not been put upon Colonel Wards registry list and because of Colonel Ward's neglect to so register those Indians they had their land taken from them in the old Choctaw Nation and sold by the government.

Q Do you know whether any of your Choctaw ancestors went before these two commissions and claimed any benefits under that articleof that treaty? A No sir.
Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir.

These certificates or scrip as they were called were issued under act of Congress approved August 23 1842 andwere given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation and sold by the government at its public land sales.

Q Do you speak or understand the Choctaw language? A I do not.
Q Have you any relatives who intend to come before the Commission? A I don't know sir; I've got a sister and an Indian brother; two other brothers.
Q You don't know whether they are coming or not? A No sir.
Q You are the only one now to make application? A Yes sir.
Q Have you any other evidence you want to give the Commission now, any proof you want to present? A No sir.

Thirty days time is allowed this applicant in which to introduce other evidence in this case.

This applicant has the appearance and physical characteristics of being descended from negro parentage; claims one half Choctaw blood; the Commission is unable to determine whether she has any Indian blood or the quantity; she does not understand the Choctaw language; she has no knowledge of compliance on the part of her ancestors with any of the pro-

visions of article fourteen of the treaty of 1830.

By Millie Hall: My mother spoke the Choctaw language.

---O---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 5th day of February 1903 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 13th day of February 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Millie Hall, et al., for identification as Mississippi Choctaws, M.C.R. 6652.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Millie Hall for herself and her seven minor children, Ida, Ollie, Emma, Sarah, Harry, Mary and Marie Hall, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Barney Kelly (or Kelley) and Viney (or Vinie) Kelly (or Kelley), who are alleged to have been full-blood Choctaw Indians.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Barney Kelly (or Kelley), or Viney (or Vinie) Kelly (or Kelley), or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Hall, Ida Hall, Ollie Hall, Emma Hall, Sarah Hall, Harry Hall, Mary

Hall and Marie Hall, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,

AUG 3 1903

M C R 6552

Muskogee, Indian Territory, February 24, 1903.

Millie Hall,

Wellington, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you make a statement concerning your Choctaw descent.

In reply you are informed that a copy of your letter has been filed in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Respectfully,

Chairman.

6652

Muskogee, Indian Territory, February 28, 1903.

Millie Hall,

Wellington, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 22nd, to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action. Therein you ask to be advised if the names of Abe Banister, Mary Gowder, Jim Banister, Alfred Hawkins, Millie Hall and Sallie Kelley (or Hawkins) "are on the roll or not."

In reply to your letter you are informed that the records of the Commission have been carefully examined and the above mentioned names are not found thereon.

Respectfully,

Chairman.

M C R 6652

Muskogee, Indian Territory, April 21, 1903.

Millie Hall,

Wellington, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, wherein you ask "Will you please advise me where the Mississippi Choctaws are being alloted"?

In reply to your letter you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. The Commission has not yet determined the right of yourself and children to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

You are further advised that on April 15, 1903, the Commission established at Atoka in the Choctaw Nation, and at Tishomingo in the Chickasaw Nation, offices for the allotment of the lands of the Choctaw and Chickasaw Nations. However, it is not believed that you are at the present time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

M.C.R. 6652.

Muskogee, Indian Territory, August 3, 1903.

Mansfield McMurry & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 3rd day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Millie Hall et al., applicants for identification as Mississippi Choctaws.

This application was made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Hall, Ida Hall, Ollie Hall, Emma Hall, Sarah Hall, Harry Hall, Mary Hall and Marie Hall, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are futher advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such argument will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles
Commissioner in charge.

M.C.R. 6652.

Muskogee, Indian Territory, August 3, 1903.

Millie Hall,

Wellington, Kansas.

Dear Madam:-

You are hereby advised that on the 3rd day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Millie Hall et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Hall, Ida Hall, Ollie Hall, Emma Hall, Sarah Hall, Harry Hall, Mary Hall and Marie Hall, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

M.H. 2.

You are futher advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in this case together with such argument will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

M C R 6652

Muskogee, Indian Territory, August 14, 1903.

W. T. McBride,

Wellington, Kansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, relative to the decision of the Commission refusing the application of Millie Hall, et al. for identification as Mississippi Choctaws. You ask that she be allowed further time within which to submit additional proof in support of her claim.

In reply you are informed that the fifteen days from August 3, 1903, heretofore granted this applicant within which to file arguments in support of her claim to be forwarded to the Secretary of the Interior, will expire on August 18, 1903. On August 19, 1903, the record in said case, together with [redacted]ts as may be offered in support of this case will be forwarded to the Secretary of the Interior, and the principal applicant notified of such action as may be taken by him.

The fifteen days granted applicants in Mississippi Choctaw cases in which to file arguments are granted under specific departmental instructions and cannot be extended.

You are further advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not

only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842. No proof of this character has been submitted in support of the Mississippi Choctaw case of Millie Hall, et al.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Millie Hall, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 3, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

2 Enclosures:M.C.R.6652.

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, November 5, 1903.

Land.
53937-1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the application of Millie Hall for herself and her seven minor children: Ida, Ollie, Emma, Sarah, Harry, Mary and Marie Hall, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission August 3, 1903.

The testimony in the case shows that the applicants base their claim to identification on their descent from Barney Kelly (or Kelley) and Viney (or Vinie) Kelly (or Kelley) who are alleged to have been full blood Choctaw Indians and residents in Mississippi at the date of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830, and for the additional reason that the appli-

cants have never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Barney Kelly (or Kelley) and Viney (or Vinie) Kelly (or Kelley), and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of said article and treaty. Neither does it appear that they applied to the Commissions appointed under acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,
Commissioner.

C.T.C.(B)

(COPY.)

WGF.
FHE.

D E P A R T M E N T O F T H E I N T E R I O R ,

W A S H I N G T O N , November 21, 1903.

D.C.32809-1903.
ITD. 7956-1903.
L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 19, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Millie Hall (M.C.R.6652), for herself and her seven minor children, Ida, Ollie, Emma, Sarah, Harry, Mary and Marie Hall, including your decision of of August 5, 1903, refusing to identify them as such.

The applicants trace their Choctaw descent from Barney Kelly (or Kelley) and Viney (or Vinie) Kelley (or Kelley), who are alleged to have been Choctaw Indians and residents of Mississippi at the date of the making of the Choctaw treaty of 1830.

The evidence furnished by the record, as well as the records of the Indian Office, fails to show that said ancestors ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or the subsequent acts of Congress relating thereto.

Reporting November 5, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision rejecting the applicants is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 6652.

Muskogee, Indian Territory, December 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Millie Hall et al., of which decision you were advised by mail on the 3rdday of August, 1903.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

M.C.R.6652.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Millie Hall,

Wellington, Kansas.

Dear Madam:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Millie Hall et al., of which decision you were advised by registered mail on the 3rdday of August, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

M C R 6652

Muskogee, Indian Territory, December 10, 1903.

Millie Hall,

Wellington, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter dated November 5, 1903, relative to the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws, and enclosing letter from Mary Gowder stating that your mother was a full blood Indian.

In reply you are informed that on November 21, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application, of which departmental action you were duly notified on December 3, 1903.

The Commission now considers your case closed, and is without authority to receive or consider any further evidence in support thereof.

The letter enclosed by you is herewith returned.

Respectfully,

Chairman.

MoM 9

M C R 6652

Muskogee, Indian Territory, February 1, 1904.

Millie Hall,

Wellington, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you state you cannot understand why your mother is called a Mississippi Choctaw, as she is a full blood Choctaw, born and raised in the Choctaw Nation; that you can prove by your father that your mother was stolen from her tribe and taken to Mississippi; and that your grand-parents "never drew neither scrip or land."

In reply you are informed that the Commission is without authority now to receive or consider any further evidence in support of your claim, as the Secretary of the Interior, on November 21, 1903, approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Respectfully,

Commissioner in Charge.

M C R 6652

Muskogee, Indian Territory, February 15, 1905.

Millie Hall,

#623 West 12th Street,

Wellington, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, asking if your case is still pending before the Department at Washington, D. C.

In reply to your letter you are informed that on November 21, 1903, the Secretary of the Interior approved the Commission's decision of August 3, 1903, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on December 3, 1903.

Your case is considered closed and it is not believed that you and your minor children are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

M C R 6662

Muskogee, Indian Territory, March 21, 1905.

Millie Hall,

Wellington, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, stating that you can furnish proof to the effect that your mother was a citizen of the Choctaw Nation.

As advised in our letter to you under date of February 15, 1905, the Commission now considers your application for identification as a Mississippi Choctaw closed and cannot receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

M C R 6652

Muskogee, Indian Territory, March 29, 1905.

Millie Hall,

Wellington, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you state that you are not a Mississippi Choctaw; that you do not want to be identified as such, but wish to be enrolled as a citizen by blood of the Choctaw Nation.

In reply you are advised that it does not appear from our records that you ever made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation, and under existing legislation we are now without authority to receive or consider any such application.

Respectfully,

Chairman.

M C R 6652

Muskogee, Indian territory, April 21, 1905.

Minnie Hall,

Wellington, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, asking that your application for identification as a Mississippi Choctaw be considered as an application for your enrollment as a citizen by blood of the Choctaw Nation.

In reply you are advised that we are unable to give you any further information than that contained in our recent communications to you in regard to your rights as a citizen of the Choctaw Nation.

Respectfully,

Chairman.

M C R 6652

Muskogee, Indian Territory, May 5, 1905.

Mrs. Millie Hall,
#623 West 12th Street,
Wellington, Kansas.

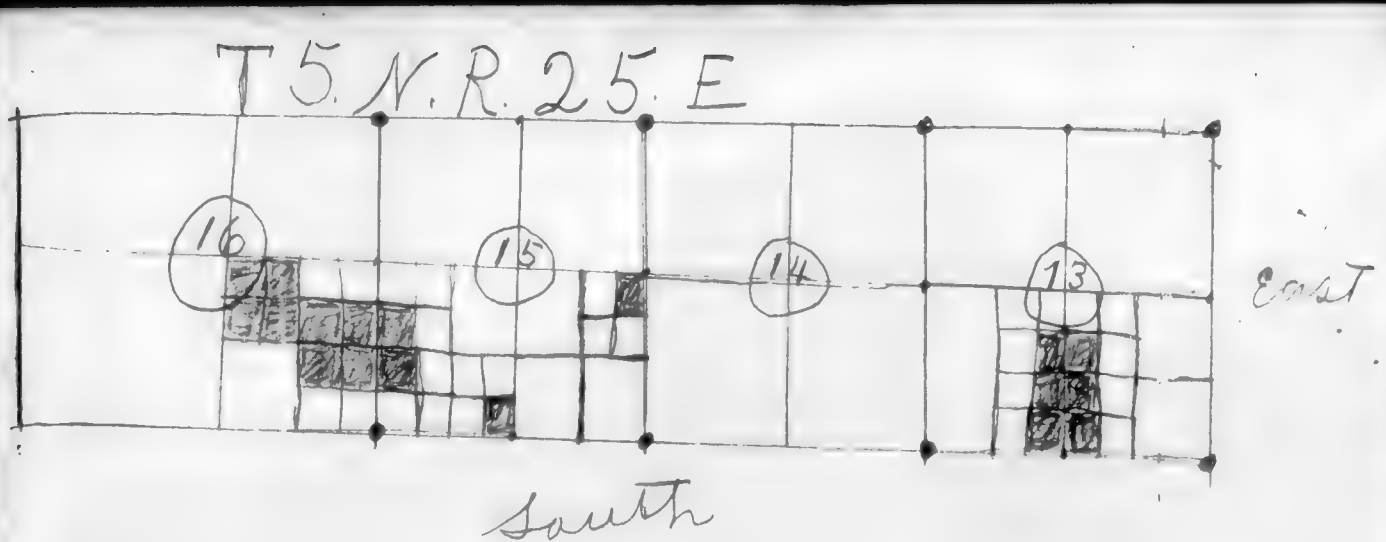
Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th ultimo, relative to your application for identification as a Mississippi Choctaw. You state that your application should have been written up as a Choctaw by blood.

As you have been repeatedly advised in regard to this matter, we are now unable to give you any further information on the subject.

Respectfully,

Chairman.


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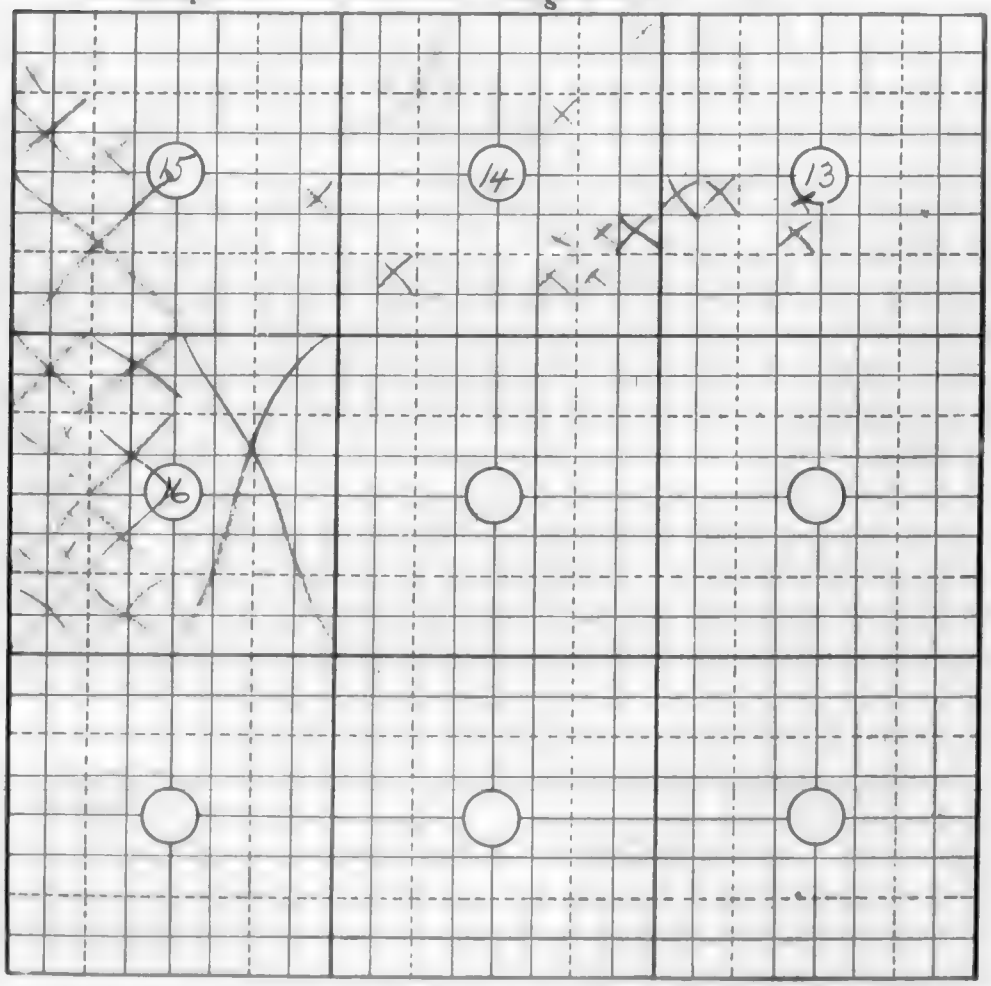
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DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

Choctaw Nation.

Township No. 14 Range No. 20 E



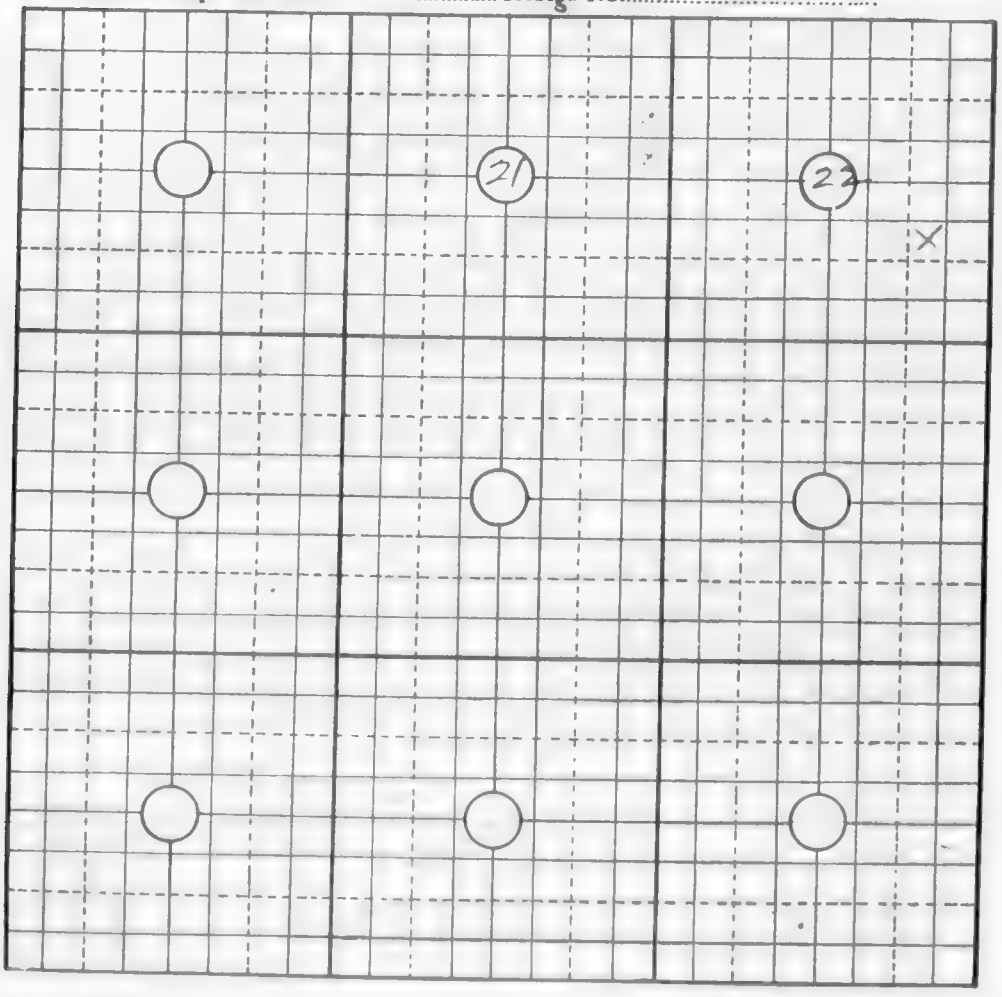
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DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

Choctaw Nation.

Township No. ..... Range No. .....



6652 No. 6652

For Identification as a Mississippi Choctaw.

Date FEB 7 1903

Name Millie Hall

Age 36 Blood 1/2 —

Post Office, Wellington, Kansas.

Father: A. Bannister, } l

Mother: Sallie " } d

Claims through mother full

Husband.

Daniel Hall - l. col.

No claim for husband.

Children:

Ida Neece	—	15
Ollie	"	13
Emma	"	11
Sarah	"	8
Harry	"	5
Mary	"	3
Marie	"	1

Claim for half of 7 minors

Stenographer Clara McAdams Wood.

E.

Millie Hall &A

Choctaw MCR 6653.

Ira Drake

MCR 6653

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian territory, February 5, 1903.

In the matter of the application of Ira Drake for the identification of herself and her seven minor children, Lula, James, Edgar, Mattie, Lida, Iva and Effie Drake as Mississippi Choctaws.

C. Heard Attorney for applicant.

Ira Drake being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ira Drake.
Q What is your age? A Thirty three.
Q What is your post office address? A At present it's Wausaukee, Wisconsin.
Q How long have you lived there? A About five months.
Q Where did you live before that? A Michigan.
Q How long in Michigan? A About two years I guess.
Q And where before that? A Kentucky.
Q Were you born in Kentucky? A Yes sir.
Q And lived there all your life until you went to Michigan?
A Yes sir.
Q Where did you live in Kentucky? A I was born in Wolf County Kentucky.
Q And lived where most of your life? A I lived there until I was married and some years afterwards.
Q Is your father living? A yes sir I suppose so.
Q Is your mother living? A No sir.
Q What is your father's name? A Alex.
Q What was your mother's name? A Lydia.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Was she one fourth Choctaw Indian? A Yes sir, I suppose she was.
Q Has she been recognized or enrolled as a Choctaw by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Is your wife living? A Yes, sir.
Q And is a Choctaw Indian or a white woman? A White woman.
Q What is her name? A Melissa.
Q You make no claim for her? A No, sir.
Q You have how many children? A Seven.
Q What is the name of the oldest? A Lula.
Q How old is she? A Fourteen.
Q Now the next? A James.
Q How old? A Eleven.
Q Next? A Edgar, nine, Mattie, seven, Lida, five, Iva, three, Effie, one year old.
Q Is your wife Melissa the mother of these children?
A Yes, sir.
Q Are you and your wife living together as husband and wife and are these children living with you at your home?
A Yes, sir.
Q Have you the proof of your marriage with your wife with you now? A No, sir.

Q When were you married to her? A In eighty eight or eighty nine, I don't remember which.
Q Do you remember the day of the month? A The 25th of November.
Q Were you married by a minister under a license? A No, sir, Circuit Clerk.
Q Under a license? A Yes, sir.
Q Is your name or are the names of any of those children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, sir.
Q Have you ever made any such application for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities in the Indian Territory, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No, sir.
Q This is your first application for yourself and children?
A Yes sir.
Q Do you now come before the Commission to identify yourself and them as Mississippi Choctaws? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830 or don't you understand that article? A I don't quite understand it but I suppose I do.

The treaty of 1830 was made between the United States and the Indians who then occupied the Choctaw Nation east of the Mississippi river, at a place in the state of Missi sippi called Dancing Rabbit Creek; the date of this treaty was the 27th of September of the year 1830; the object of the government in making this treaty was to get the consent of the Indians to go from the old Choctaw nation east of the Mississippi river to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian territory under the treaty and in order to protect the rights of those Indians who wanted to stay and who did stay in the old Choctaw nation, article fourteen was put into the treaty of 1830; that is the article under which you make this application today and is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your Choctaw ancestor that you claim th through now? A John Harper.
Q What relation was he to you? A Great great grandfather, I suppose.
Q Do you claim through his wife? A yes, sir.
Q What was her name? A I don't know her name.
Q How much Choctaw blood did John Harper and his wife have?
A Full blood I understand.
Q Did they live in Mississippi at any time? A I understand they did.
Q Did they live there in 1830? Seventy three years ago and have a family there then? A Yes, sir.
Q Did they go to the United States Indian agent Colonel Ward within six months after the treaty of 1830 was ratified, tell him they wanted to stay in Mississippi, take land and become citizens of the states? A They did, so I understand.
Q You get that from other members of the family? A Yes, sir.
Q It's family history and tradition is it ? A Yes, sir.
Q You haven't any proof have you beyond that? A No sir.
Q Do you know whether any of your Choctaw ancestors John Harper or his wife or any other lived on land in the old Choctaw nation in 1831 and thereafter five years or more and at the end of that period received a patent from the government under article fourteen? A No sir.
Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of that treaty? A I understand they did but I dont know.
Q You don't know anything about it any further than you have some sort of idea that they did? A Yes, sir, that's what I've been informed.
Q Can you tell where you get that information? A I've just heard it, talked around the relations.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation Indian territory? A I don't know sir.
Q Or did any of them go between 1833 and 1838 with the other Indians at the expense of the government? A I dont know sir
Q Or did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I cant tell you.
Q Did any go before a Commission appointed by act of Congress approved march 3rd 1837 or before a Commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830?
A I don't know.

These commissions were appointed by various acts of Congress to hear the complaints of Indians who claimed that they went to the United States Indian agent in the old Choctaw nation within six months after the ratification of the treaty of 1830 and attempted to register under article fourteen of that treaty but that Colonel Ward had neglected to put their names on his registry list and because of his neglect to do this their land had been taken from them by the government and sold at its public land sales. You don't know anything about that? A No, sir.

Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas. A I cant tell you; I don't know.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who stated that they had gone -- or proved that they had gone before Colonel Ward and attempted to register and also proved that their land had been taken and sold by the government.

Q Do you speak or understand the Choctaw language? A No sir.

Q You want to have your case considered with the case of C.C. Hanks M.C.R. 6508? A Yes sir.

Q What relation is C.C. Hanks to you? A Second cousin
Q And he claims through the same ancestry that you claim through? A Yes, sir I suppose so.

The case of C.C.Hanks, M.C.R. 6508 is here referredto for the purpose of consolidation.

Thirty days time is allowed this applicant for the introduction of other proof if he desires to do so.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; light brown mustache; blue eyes; medium fair complection; has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 5th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 14th day of February 1903.

Charles W. Sawyer
Notary Public.

M C R 6653
M C R 6654

Muskogee, Indian Territory, July 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 18, 1903, wherein you ask that your firm be entered as attorneys of record in the Mississippi Choctaw cases of Ira Drake, et al. and John H. Drake. Your appearance in said cases has been noted.

Respectfully,

Commissioner in Charge.

M C R 6653

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Ira Drake that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Chootaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6653

Muskogee, Indian Territory, November 5, 1903.

Ira Drake,

Wausaukee, Wisconsin.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6653

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Ira Drake that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Chootaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6683

Muskogee, Indian Territory, March 14, 1904.

Ira Drake,

Nevada, Missouri.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and seven minor children, Lula, James, Edgar, Mattie, Lida, Iva and Effie Drake, as Mississippi Choctaws was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory, and S. Heard, Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6653.

Muskogee, Indian Territory, June 26, 1905.

Ira Drake,

Nevada, Missouri.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

DUPLICATE. No. 1/6653

For Identification as a Mississippi Choctaw.

Date FEB 5 1903

Name: Ira Horake

Age 33 — Blood 1/8

Post Office, Wausaukee, Wis.

Father: Alex Horake. d.

Mother: Lydia " d

Claims through mother 1/4

Wife,

Melvina Horake. l.w

No claim for wife —

Children:

Lula Horake. 14

James " 11

Edgar " 9

Mattie " 7

Lida " 5

Iva " 3

Effie " 1.

claims for self & 7 minors

Stenographer Clara Estelle Wood

Ira. Drake et-a

DECISION [illegible] MAR 4 [illegible]

COPY OF [illegible] FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR [illegible]

NOTICE OF [illegible] APPLICANT. MAR [illegible] 1904

COPY [illegible] ATTORNEY [illegible] MAR [illegible] 04

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION [illegible]

[illegible] 1905

[illegible]

JUN [illegible]

[illegible]

REFER TO M. C. R.

Choctaw MCR 6654

Judith Wilis

MCR 6654

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 5, 1903.

In the matter of the application of Christopher C. Hanks for the identification of Judith Wills as a Mississippi Choctaw.

S. Heard, Attorney for applicant.

Christopher C. Hanks, being first duly sworn testified as follows examination by the Commission:

Q What is your name? A Christopher C Hanks.
Q What is your age Mr. Hanks. A Fifty seven.
Q Where do you live? A I live in Wolf County Kentucky.
Q Are you making application for identification as a Mississippi Choctaw before the Commissdon? A yes, sir.
Q Is the number of your application 6508? A I think it is; I cant say .
Q Is your purpose now in coming before the Commission at this time to make application for Judith Wills? A Yes sir.
Q How old is Judith Wills? A Probably seventy years old; I cant just name her age.
Q What is her post office address? A Hazlegreen, Kentucky.
Q Is that all one word or two words? A H-a-z-l-e-g-r-e-e-n.
Q All one word? A Yes..
Q Is is H-a-z-l-e or e-l? A H-a-z-l-e-g-r-e-e-n.
Q How long has she lived there? A I don't think she 's lived there more than two years.
Q How long has she lived in Kentucky? A All her life.
Q Born in Kentucky? A yes sir.
Q Where did she live most of her life? A Most of her life right in Wolf County.
Q Is her father living? A No sir.
Q Is her mother living? A Her mother's living.
Q How old is her mother? A About ninety six or seven.
Q What was her father's name? A James Cox.
Q What is her mother's name? A Annie Cox.
Q Does she claim her Choctaw blood through her father or mother ?
A Through her mother.
Q How much Choctaw blood doesshe claim? A One fourth
Q Does she claim that her mother is one half Choctaw Indian?
A Yes, sir
Q Has her mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the India territory?
A No sir, she has been filed here by a committee.
Q Has somebody made application for Annie Cox before this Commission? A No, she has filed since I filed.
Q By whom? A A man named Brown, Fielding Brown.
Q Fielding Brown made application for Annie Cox before this Commission? A yes sir.
Q About how long ago? A About the first of January .
Q Of this year? A Yes sir.

Q Is Judith Wills married? A Yes sir.
Q Husband living? A Yes sir.
Q How old is he? A He's up in seventy somewhere;I dontknow exactly.
Q Is he a white man or an Indian? A White man.
Q What is his name? A Jordan Wills.
Q Do you make any claim for her husband? A No sir.
Q Are there any children of Judith Wills you want t make application for or are they all over age? A All over age.
Q And you claim just for her alone? A Yes sir.
Q By what authority do you come before the Commission now and make application for Judith Wills? A Authority of a power of attorney.
Q Do you want to present this power of attorney? A Yes sir.

Power of attorney signed by Mrs Judith Wills and Mrs Jane Nickell and Mrs Emma Trimble authorizing C.C.Hanks to represent in their claims before the Commission in their applications for identification as Mississippi Choctaws, is received by the Commission as the power of attorney for Judith Wills,, said power of attorney as it pertains to Judith Wills being accompanied by a proper doctor's certificate of her disability said power of attorney as it pertains to Emma Trimble and Jane Nickell not being accompanied with the certificates of physicians showing their permanent or serious disability, cannot at the present time be received except in the case of Mrs. Judith Wills; received filed, marked exibit A and made a part of the record in this case in the application of Judith Wills.

Q You also want to file, do you not, this doctor's certificate?

A Yes sir.

A doctor's certificate signed by Dr. A . C. Nickell relating to the disability of Judith Wills is presented by this applicant, received, filed, marked exibit B and made part of the record in this case; also a certificate of the marriage of Judith Wills and Jordan Wills presented by appli ant received, filed, marked exibit C. and made part of the record in this case .

Q Do you know whether the name of Judith Wills is upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir I dont think it is.
Q Has any application ever been made by her or for her for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Has she ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission at this time to identify Judith Wills as a Mississippi Choctaw claiming for her under article furteen of the treaty of 1830 ? A yes, sir.
Q Do you understand article fourteen of th t treaty?
A Yes, sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months

from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of the Choctaw ancestors of Judith Wills complied or attempted to comply with any of the provisions of that article? A I understand John Harper attempted to comply with it.
Q Did his wife have Choctaw blood? A Yes sir.
Q What was her name? A Mary Ann or Polly, Ann Harper.
Q Did both of them have Choctaw blood? A Yes sir.
Q What relation was he to Judith Wills? A He was her great grandfather.
Q And Mary Ann or Polly was her great grandmother? A Yes sir.
Q Were they both full blood or what quantity of Choctaw blood
A Full bloods I understand.
Q Did they live in Mississippi at any time? A I understand they did.
Q Did they live in 1830 in Mississippi and have a family there then? A No, sir not that I know of.
Q Did they ever live in Alabama? A I dont know.
Q Do you know whether either of them or any other Choctaw ancestor of Judith Wills went to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and signified to him their intention of remaining in Mississippi taking land and becoming citizens of the states? A No sir.
Q Did any of the Choctaw ancestors of Judith Wills live on land in the oldChoctaw Nation five years and then get a deed from the government or patent ? A Not that I know of.
Q Did any of them claim any land in Mississippi under article fourteen of the treaty of 1830? A John Harper claimed land.
Q Did he ever get any? A Not that I know of.
Q Did he ever live on any land that you know of? A I dont know whether he did or not.
Q Did any of the Choctaw ancestors of Judith Wills go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or forty? A I dont know.
Q Or any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation Indian territory? A I dont know.
Q Did any of the Choctaw ancestors of Judith Wills own any improvements on land in the old Choctaw Nation in 1830?
A I dont know.
Q Did any of them go before the Commission of 1837 or the Commission of 1842 and claim any rights under article fourteen of the treaty of 1830? A No sir not that I know of.

Q You understand what those commissions were appointed for, don't you? A Yes, sir.
Q And you never heard any family history or tradition about their going before those Commissions.
A No, sir.
Q You would know about that would you? A Yes, sir.
Q You also understand dont you about scrip or certificates being issued under act of Congress approved August 23 1842?
A yes sir.
Q How did any of her Choctaw ancestors get any such scrip or certificates? A Not that I know of.
Q Does she spek or understand the Choctaw language?
A No sir.

Q Give me a description of her personal appearance; color of her eyes hair and complection.

A She has dark brown hair; black eyes; darck complection -- or was-- she has gray hair now, but that was her appearance when she was young.
Q Who are the members of her family who have been before the Commission? A I don't think she has ever had but one daughter - Mrs Zarilda Day.
Q A daughter of her's? A Yes, sir.
Q Claiming through John Harper? A Yes sir.
Q How was this woman related to you? A Well my father and her mother were brothers and sisters, made us own cousins.
Q And you and she claim through the same ancestor? A Yes sir
Q You want to have hercase considered under your application? A Yes sir.

The case of Christopher Columbus Hanks who makes this application in behalf of Judith Wills M.C.R. 6508 is here referred to for the purpose of consolidation.

Thirty days time is allowed this claimant who makes her claim through Mr. Hanks to present proof in support of this claim if she desires.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized tribes she reported the above case on the 5th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said case.

[redacted]

Subscribed and sworn to before me this 16th day of February 1903.

Charles M. Harrison

Notary public.

M C R 6654

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Christopher C. Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of the application of Judith Wills for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received, or extension of time granted.

Respectfully,

Chairman.

M C R 6654

Muskogee, Indian Territory, November 5, 1903.

Christopher C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Judith Wills for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6654

Muskogee, Indian Territory, March 19, 1904.

Judith Wills,

Hazel Green, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by Christopher C. Hanks for your identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered. Commissioner in Charge.

M.C.R. 6654.

Muskogee, Indian Territory, June 26, 1905.

Judith Wills,

Hazel Green, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6654

No. 6654

For Identification as a Mississippi Choctaw.

Date FEB 5 1903

Name Judith Wills, by C. C. Parks, under Power of Atty

Age 70 Blood 1/4

Post Office, Hazelgreen, Ky.

Father: James Cox. d

Mother: Annie " d.

Claims through mother 1/2

Husband.

Jordan Wills. - d. w

No claim for her husband

- Children: -

Claim for Judith Wills alone

Stenographer Clara Mitchell Wood

by Christopher C. Hawks.

R. 1165

Judith Wills

DECISION RENDERED MAR 1

CLAIM ALLOWED
ATTORNEY'S FEE APPROVED MAR 4 1904
CHICKASAW CITIZENS

NOTICE OF ALLOWANCE MAILED APPLICANT. MAR 9 1904

COPY OF DECISION FORWARDED MAR 14 1904
ATTORNEY FOR APPLICANT.

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPROVED
SECRETARY OF THE INTERIOR

Choctaw MCR 6655

Mary E. Glass

MCR 6655

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 6, 1903.

In the matter of the application of Mary Ellen Glass for identification as a Mississippi Choctaw.

S. Heard, Attorney for applicant.

Mary Ellen Glass being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Mary Ellen Glass.
Q What is your age? A Forty five.
Q What is your post office address? A Sedalia Missouri.
Q How long have you lived there? A Seven years.
Q Where did you live before that? A Butler, Bates County Missouri.
Q Have you always livedin Missouri? A No, sir I was formerly from Kentucky.
Q Where in Kentucky? A Morgan County.
Q You went from there did you to Missouri? A Yes, sir.
Q And have lived in Missouri since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Allen Day.
Q What was your mother's name? A Nancy Hanks.
Q That was her maiden name? A Yes, sir.
Q She married Allen Day? A Yes sir.
Q Do you claim through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A One fourth.
Q Do you claim your mother was one half? A Yes sir.
Q Was she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw-tribal authorities or by the UnitedStates authorities in the Indian Territory?
A Not that I know of.
Q Do you say your husband is not living now? A No sir.
Q What was his name? A Thomas R. Glass.
Q You apply simply for yourself? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory. A No sir.
Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830 or don't you understand that article? A Yes, sir.
Q Would you like to have that article explained or do you think you understand it well enough without the explanation?
A It would be perhaps well enough to explain it; I don't know.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year - 1830; this is some times called the treaty of Dancing Rabbit Creek; the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian territory with the other Indians under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830; a treaty is a contract or compact in writing made between nations instead of between individuals; and an article in a treaty is one of its paragraphs or sub-divisions ; this article fourteen is the article under which you make your claim today and is as follows:

"Each choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like mannershall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity. "

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No I do not.
Q What is the name of this ancestor through whom you claim your right to be identified as a Mississippi Choctaw.
A John Harper.
Q What relation was John Harper to you? A He was my great grandfather.
Q Do you claim through his wife also? A Yes sir.
Q What was her name? A Mary AnnHarper.
Q She was your great grandmother? A Yes sir.
Q How much choctaw blood did they have? A They were full blood I think.
Q Didthey live in Mississippi or Alabama at any time? A I dont know.
Q You don't know whether they ever lived in the old Choctaw Nation in 1830 andhad a family there then? A No sir I dont.
Q Can you give the name of any Choctaw ancestor of yours who did live in the old Choctaw Nation at any time? A No sir.
Q Do you know whether they or any Choctaw ancestor of yours went to the United States Indian agent whose name was Colonel Ward within six months after the treaty of 1830 was ratified and told him they wanted to stay in Mississippi or Alabama, take land and become citizens of the states? A I do not.

Mary Ellen Glass 3

Q Did any of them John Harper or Mary Ann his wife or any Choctaw ancestor of yours live on land in the old Choctaw Nation five years and at the end of that time get a patent from the government for that land under article fourteen?
A I cant tell you.
Q Did any of them claim any land in the old Choctaw Nation under article fourteen? A Not that I know of.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any timebetween the ratification of the treaty of 1830 which was on the 24th day of February 1831 and the date of this application made by you today for the purpose of making a permanent hesidence in the Choctaw Nation Indian Territory? A I dont know.
Q Didany of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.
Q Or did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between 1833 and 1838 with the other Indians at the expense of the government? A I dont know.
Q Did any of your Choctaw ancestos go before a commission appointed by act of Congress approved march 3 1837 or a commission appointed by act of Congress approved August 23 1842 and claim any rights under article fourteen of that treaty? A I dont know.

These commissions were appointed by various acts, one in 1837 and the other in 1842 to go to Mississippi and hear Choctaw Indians who claim that they had gone beforeColonel Ward the united States Indian agent within six months after the treaty of 1830 was ratified and had attempted to register under article fourteen of thattreaty but Colonel Ward refused to allow them to register;because he refused to do this the land which they occupied in the old Choctaw Nation was taken from them by the government and sold at its public land sales; this was, of course, an injustice to them, caused by the carelessness or the wilful neglect of the United States Indian agent in refusing them the right of registration ; now it was to redress their wrongs that these two different commissions were appointedin these years.

Q You don't know whether any of your Choctaw ancestors went before either of them? A No sir.
Q Do you know whether any of them received any scrip or certificates as we would call them now which entitled them to sele ct land in Mississippi Alabama Louisiana or Arkansas? A No sir

This scrip was issued under the act of Congress approved August 23 1842, and was given to Choctaw Indian claimants who proved their rights under article fourteen of the treaty of 1830 and who also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you speak Choctaw? A No sir.
Q What relation are you to Jasper Chambers? A Cousin I believe.

Q Jasper Chambers has been before the Commission and made application to be identified as a Mississippi Choctaw; would you like to have your case considered under his applicat ion?
A Yes sir.

Q And would you like to have your case also considered with the case of C.C.Hanks? A Yes sir.

The case of Jasper Chambers M:C:R. 5670 is here referred to for the purpose of consolidation; also the case of C.C.Hanks 6508 is referred to.

Thirty days time is allowed in this case for the introduction of further proof.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; black eyes; medium dark complection; hasno knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 6th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 16th day of February 1903.

Charles N. Sawyer

Notary public.

M.C.R.6655.

Muskogee, Indian Territory, November 5, 1903.

B. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Mary E. Glass that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

4 0 C 8

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
M.C.R. 6655.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 5, 1903.

Mary E. Glass,

Sedalia, Missouri.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Sedalia Mo Nov 20th/03

Gentlemen The must be Some Mistake in Sending this letter to My Daughter Mary E Glass. She never had any such Claims or any application whatever of any Kind Connected with what you Refer to in the Above. Very Respectfully

Thos Glass

Cor 7th & Osage Sts Sedalia Mo

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 31 1904

CHAIRMAN.

Returned - can't locate

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R.6655

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 19, 1904.

Mary E. Glass,

Sedalia, Missouri.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for your identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M.C.R.6655

Muskogee, Indian Territory, April 1, 1904.

James Glass,

Sedalia, Missouri.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 28, 1904, returning to this Commission a registered letter from this office, dated March 19, 1904, addressed to Mary E. Glass, Sedalia, Missouri. You state that the only Mary E. Glass known in your town is your daughter and that she has never made any claim for identification as a Mississippi Choctaw, and that if such a claim has been made in her name, the same is fraudulent.

In reply to your letter you are advised that a proper record has been made of your letter.

Respectfully,

Commissioner in Charge.

M C R 6658

Muskogee, Indian Territory, April 19, 1905.

Mary E. Glass,

c/o Hotel Huckins,

Sedalia, Missouri.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, relative to your application for identification as a Mississippi Choctaw.

In reply you are informed that on June 13, 1904, the record in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., M C R 5670, of which your application is a part, together with the Commission's decision of March 4, 1904, refusing all the applicants therein, was forwarded to the Secretary of the Interior, and up to the present time the Commission has not been advised of any departmental action thereon.

When the Department passes upon this case and the Commission is so informed, you will be promptly notified of the action taken.

Respectfully,

Chairman.

M.C.R. 6655.

Muskogee, Indian Territory, June 26, 1905.

Mary E. Glass,

Sedalia, Missouri.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secreta y of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6655. No. 6655

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Mary E. Glass.

Age 45. Blood 1/4

Post Office, Sedalia. Mo.

Father: Allen Day. d

Mother: Nancy " d

Claims through mother 1/2 —

Husband.

Thomas R. Glass (d)

Children:

6 Cases for Sec'y alone

Stenographer Sam Mitchell Wood

REFUSED

FOR IDENTIFICATION

R. [illegible]

Mary E. Glass

DECISION RENDERED MAR 4 1904

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY

SECRETARY OF INTERIOR

MAR 10 1905

B. PAGE

JUN 2 1905

Choctaw MCR 6656

Lucinda Chaney

MCR 6656

6658

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 6, 1903.

In the matter of the application of Lucinda Chaney for the identification of herself as a Mississippi Choctaw.

S. Heard Attorney for applicant.

Lucinda Chaney being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lucinda Chaney
Q What is your age? A I'm fifty six.
Q What is your post office address? A Sedalia, Missouri.
Q How long have you lived there? A Seven years.
Q And before that where did you live? A Butler Missouri, Bates County.
Q Where were you born? A Wolf County Kentucky.
Q And from Kentucky you went where? A To Missouri.
Q And have been there since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Allen Day.
Q What was your mother's name? A Nancy Hanks.
Q That was her maiden name? A Yes sir.
Q And she married Allen Day? A Yes sir.
Q Do you claim your Choctaw blood through your mother? A Yes, sir
Q How much do you claim? A One fourth
Q You claim your mother was one half? A Yes sir
Q Was your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I don't know.
Q Your husband is living? A Yes sir.
Q Is he a Choctaw Indian? A No sir.
Q What is his nationality. A He's white; I dont really know his nationality; he's an American citizen, native born Missourian; his parents were Kentuckians.
Q What is his name? A William H. Chaney.
Q Do you make any claim for him? A No sir.
Q Have you any minor children you want to make application for? A None at all.
Q Claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do desire now to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir
Q Do you understand article fourteen? A No sir.

Q You understand what a treaty is and an article in a treaty?
A I think so, yes, sir.

A treaty was made between the United States government and the Choctaw Indians who at the time of the making of that treaty lived in the old Choctaw Nation east of the Mississippi river at a place called Dancing Rabbit Creek in Mississippi; the date of the treaty was the 27th day of September of the year 1830 but before the treaty was signed it became known that a large number of the member of the Choctaw tribe living in the old Choctaw Nation would refuse to go under the treaty to the Choctaw Nation Indian territory; there was no provision up to that time in the treaty of 1830 for those Choctaw Indians so article fourteen was drafted and put into the treaty for their special benefit. Then the treaty was signed and later on with that article in it became ratified on the 24th day of February 1831; article fourteen under which you make your claim today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child asmay be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with that article or attempted to? A No sir.
Q What is the name of your ancestor through whom you make this claim today? A John Harper.
Q What was his wife's name? A Mary Ann I think.
Q Did she ever have any other name besides Mary Ann Harper
A Not that I know of.
Q Never called her Polly? A I don't know about that.
Q How much Choctaw blood did John Harper and his wife have?
A They were full blood.
Q What relation was John Harper to you? A John Harper was my great grandfather.
Q And his wife your great grandmother? A My great grandmother.
Q How old would John Harper be if living now? I can't tell you.
Q How old would Mary Ann Harper be if living now; do you know?
A I don't know.
Q Do you know when and where they were born or when and where they died? A No sir.
Q Do you know whether either of them or both of them lived in Mississippi or Alabama in the old Choctaw Nation at any time
A No, sir I do not.

Q You don't know whether they lived there in 1830 and had a family there then? A No, sir.
Q Did either of them go to Colonel Ward the United States Indian agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi and take land there? A I don't kno .
Q Did either of them or both of them live on land in the old Choctaw Nation either in Mississippi or Alabama for a period of five years after the treaty of 1830 was ratified and at the end of that period receive a patent for that land under article fourteen? A I don't know sir.
Q Did either of them claim any land under article fourteen of that treaty in the old Choctaw Nation? A I dont know.
Q Did any of your Choctaw ancestors at any time between the ratification of the treaty of 1830 and the date of this application made by you now go from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory for the purpose of making a home or permanent residence in the Choctaw Nation, Indian Territory? A I don't know.
Q Did any of them go from the old Choctaw nation to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 at the expense of the government? A I don't know.
Q Did any of them go before the commission that was appointed by act of Congress or 1837 or before a commission appointed by Congress in 1842 and claim any rights under article fourteen of the treaty of 1830? A I can't tell you.

These commissions were appointed at the request of, and because of the complaints of a good many Choctaw Indians who stated that they had tried to register under article fourteen of the treaty of 1830 but that Colonel Ward had refused to allow them to register and because their name did not appear upon his registry list the government through its agents took the land from them which they occupied in the old Choctaw Nation and sold it;you dont know whether any of your ancestors went before either of those commissions? A No sir.
Q Did any of them receive any scrip from the government which scrip was issued under act of Congress approved August 4? 1852? A I dont know.

This scrip was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation and sold; it entitled the holder to select land in Mississippi Alabama Louisiana or Arkansas.

Q Do you speak Choctaw or understand the language? A No, sir.

Thirty days time is allowed in this case for this applicant to introduce other proof.

Q Are you related to Jasper Chambers? A Yes sir.
Q What relation is he to you? A He's my own cousin.
Q Do you want to have your case considered under his? A Yes, sir.

The case of Jasper Chambers 5670 is here referred to for the purpose of consolidation.

Q Is C.C.Hanks a relative of yours? A My cousin.
Q You want also to refer to this case. A Yes sir.

The case of C.C.Hanks 6508 is referred to in this connection.

Q What was the color of your hair formerly? A Black.
Q Was it real black? A Yes sir, very nearly black.
Q Very dark brown would you call it or was it between a black and a brown? A It was a very dark brown.

This applicant appears to be descended from white parentage; she has black eyes; medium dark complection; states her hair was very nearly black at one time; now somewhat gray; does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized tribes she reported in full all proceedings had in the above entitled cause on the 6th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 10th day of February 1903.

Charles N. Haskell

Notary Public.

Muscogee, I. T.

June 16 1903.

This day in court [illegible]
was commenced = W. H. T. Duff
by Allen Day & Nancy Day, his
wife, as heirs to the cases of
Mrs. [illegible] Chaney of Sedalia, Mo.
[illegible] Louis Hess " "
Mrs. Sallie [illegible] Kansas City,
Mo. and Mrs. Alice Arnold of
Muscogee, I. T. and Mrs Dora
Chaney [illegible] Morgan Co. Mo.
The First Three named, being
daughters of said Allen & Nancy
Day, the fourth one Grand-
daughter of same, and the
last one a great grand daughter
of said Day & wife.

M C R 6656

Muskogee, Indian Territory, November 5, 1903.

Lucinda Chaney,

Sedalia, Missouri.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6656

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Lucinda Chaney that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6656

Muskogee, Indian Territory, March 19, 1904.

Lucinda Chaney,

Sedalia, Missouri.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for your identification as a Mississippi Choctaw was made a part, refusing the application.

You are further advised that the attorney of record in your case, Mr. S. Hoard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
M.C.R. 6656.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 26, 1905.

Lucinda Chaney,

Sedalia, Missouri.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6656 No. 6656

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Lucinda Chaney

Age 56 Blood 1/4

Post Office, Sedalia, Mo.

Father: Allen Ray. d

Mother: Nancy " d

Claims through mother. 1/2

Husband

W. N. Chaney d. w.

No claim for husband

Children:

Claim for land alone.

Stenographer Clara McIntire Wood



JUL 31 1905

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

JUN 27 1905

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Lucinda Chaney,

Sedalia, Missouri.





6656

1 File

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 12 1903

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS
Penalty for private use, $300.

NOV 10 1903

16.

Lucinda Chaney,

Sedalia,

Missouri.

Unclaimed

Commissioner.

Advising that thirty days from date will be allowed in which to submit the evidence in support of application for identification as mentioned herein.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 26 1904

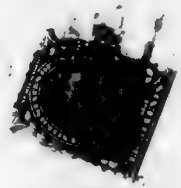
CHAIRMAN.

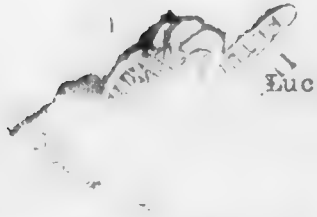
REGISTERED
MAY 25 1904
SEDALIA, MO.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.





REGISTERED
APR 1906
SEDALIA, MO.

UNCLAIMED.
RETURNED TO WRITER

RE[C]
MAR 24
MUSKOGEE, IND. TER.

Lucinda Chaney,

Sedalia, Missouri.

REFUSED

FOR ENROLLMENT AS A MISSISSIPPI CHOCTAW. R. 6656

Lucinda [illegible]

DECISION RENDERED MAR 4 [illegible]

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 4 [illegible]

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 1 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED [illegible]

[illegible] 1905

REFER TO M. C. R.

Choctaw MCR 6657

Sarah A. Allsman

MCR 6657

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 6, 1903.

In the matter of the application of Sarah Ann Allsman for the identification of herself and her two minor children, George R. and Gertrude Allsman as Mississippi Choctaws.

S. Heard attorney for applicant.

Sarah Ann Allsman being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sarah Ann Allsman.
Q What is your age? A Fifty four.
Q What is your post office address? A Kansas City Missuri, 1019 Troost Avenue.
Q How long have you lived in Kansas City Missouri? A Bout six years.
Q Where did you live before that? A In Montrose Missouri.
Q How long have you lived in Missouri altogether? A About twelve years I think.
Q Before that you lived where? A Livedin Kentucky; I was born and raised in Kentucky.
Q Went from there to Missouri? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir
Q What was your father's name? A Allen Day.
Q What was your mother's name? A Nancy Day..
Q You claim your Choctaw blood through your mother do you?
A Yes sir.
Q How much do you claim? A One fourth.
Q Claim she was one half Choctaw? A Yes sir.
Q Has she ever been enrolled or recognized as a Choctaw by any authority whatever in the Indian Territory? A I dont know.
Q She never lived in the Indian Territory did she? A No sir not that I know of.
Q Is your husband living? A No sir.
Q Have you been marriedmore than once? A Yes, sir, twice.
Q These minor children you make application for today are the children of which husband - your first or second?
A Both; I have two by my first husband.
Q I mean the minors.
Q One is my first and the other is my last. I have three, one is twenty one and the other is nineteen and the other is sixteen, at home.
Q What was the name of your first husband? A Howard - Randall Howard.
Q Is he dead? A Yes sir.
Q What was his nationality? He was an American.
Q He was a white man? A Yes sir..
Q Is your second husband living? A No sir.
Q What was his name? A Marcus D. Allsman.
Q What was his nationality? A Hewas an American.
Q White man? A Yes, sir.
Q Have you been married since? A No sir.

Q You have two children you say? A Yes, sir. I have one son that is twenty one years old; he's married. I have one that's nineteen and a daughter sixteen.
Q Give me the nineteen year old child. A George R. Allsman.He's nineteen.
Q Is Marcus D. Allsman his father? A Yes sir.
Q Now give me the name of the younger one. A Gertrude Allsman
Q How old is Gertrude? A Seventeen.
Q How you have none younger have you? A No, sir.
Q How old is that child older than George R. A Twenty- one.
Q And married? A No sir he's not married.
Q We will have to make application himself because of his age You have other children I presume who are over age who are the children of Randall Howard? A Yes sir.
Q They haven't been before the Commission yet have they?
A No sir they are married and dont live at home.
Q These two children then claim their Choctaw blood through you do they not? A Yes sir.
Q None through their father? A Well I cant say about that.
Q Well you dont make any claim for them through him do you; if you dont know? A I don,t really know; I cant say for sure; although I've heard his mother talk about her grandfather being an Indian; talk about the Indians; I think they were related some to the Indians but I cant say how much.
Q Could you say what tribe? A No sir; I cant say what tribe;
Q Whether Choctaw, Chickasaw or any other.
A No sir ; I cant say.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with these minor children? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you want to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek onthe 27th day of September of that year; this treaty was made for the purpose of removing the Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those indians who remain in the old Choctaw Nation article fourteen was put into the treaty of 1830 before its signature. Article fourteen under which you make this claim today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon

be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which i s living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall i ssue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with article fourteen or attempted to comply with that article?
A No sir.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
A John Harper and Mary Ann Harper.
Q What relation was she to you? A Great grand father and great grandmother.
Q Were they both full bloods? A Yes sir.
Q Do you get that information from members of the family in regard to their being full blood Indians? A Yes sir.
Q And tradition I suppose? A Yes sir.
Q Have you any records proving that fact? A No sir I have not.
Q Do you know whether they lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and had a family there then?
A Idont know.
Q Did they ever live in the old Choctaw Nation? A I dont know
Q Do you know if either of them or both of them went to the United States Indian agent Colonel Ward within six months after the treaty of 183 was ratified - that is within six months from the 24th day of February 1831 and told this agent that they wanted to stay in Mississippi take land and become citizensof the states? A I don't know.
Q That is what we would call complying with article fourteen of the treaty of 1830. Do you know whether any of your Choctaw ancestors John Harper or his wife or any other lived on land in that old Choctaw Nation for a period of five years after the treaty of 1830 was ratified and at the end of that time got a patent from the government for that land? A I dont know
Q Do you know whether any of them claimed any land in the old Choctaw Nation under article fourteen of that treaty?
A No sir I don't know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 at the expense of the government? A I dont know.
Q Did any of them go to the Choctaw Nation Indian Territory from that old Nation at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home or residence in the Choctaw Nation Indian Territory? A I cant say.
Q Did any of them own improvements on land in that old Choctaw Nation in 1830? A I dont know.

In 1837 by act of Congress approved March 3 of that year and also in 1842 by act of Congress approved August 23 of that year commissions were appointed which commissions went to

Mississippi and heard claimants under article fourteen of the treaty of 1830; these commissions were appointed because of the complaints of Choctaw Indians who stated that they had attempted to register under article fourteen but that Colonel Ward refused to accept their names for registration and because their names did not appear upon his registry list those Indians lost their land in the old Choctaw Nation; it was taken from them by the government and sold; therefore these commissions were appointed to remedy the wrongs that those Indians suffered from the neglect of Colonel William Ward the agent.

Q Did any of your Choctaw ancestors go before either of those commissions and claim any rights under article fourteen; do you know? A Not that I know of.

Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23 1842 and gave the holder a right to select land either in Mississippi Alabama Louisiana or Arkansas to take the place of land that they had formerly held in the old Choctaw Nation and which had been taken from them and sold.

Q Do you understand Choctaw or speak that language? A No sir.

Thirty days time is allowed this applicant in which to introduce other evidence in support of this claim.

Q Have you any other evidence you want to present now - any documentary evidence - papers of any kind? A No sir I dont believe I have.

Q Are you related to Jasper Chambers? A He's my cousin.
Q First cousin? A Yes sir.
Q He claims through John Harper does he? A Yes sir.
Q And his wife? A Yes sir.
Q Do you want to have your case considered under his? A Yes sir

The case of Jasper Chambers 5670 is here referred to for the purpose of consolidation.

Q You are related also to C.C.Hanks? A Yes sir.

This case is also referred to in this connection, N.C.R.6508.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown eyes; dark complection and dark brown hair; does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 6th day of February 1903 and that the foregoing is a true transcript of her stenographic notes in said case.

Clara Mitchell Wood

Subscribed and sworn to before me this 16th day of February 1903

Charles McDaniel Notary Public.

M.C.R.6657.

Muskogee, Indian Territory, November 5, 1903.

Sarah A. Allsman,

#1019 Troost Avenue,

Kansas City, Missouri.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6657.

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Sarah A. Allsman that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6657

Muskogee, Indian Territory, March 19, 1904.

Sarah A. Allsman,
1019 Troost Avenue,
Kansas City, Missouri.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and children, George R. and Gertrude Allsman, as Mississippi Choctaws, was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M.C.R. 6657.

Muskogee, Indian Territory, June 26, 1905.

Sarah A. Allsman,

#1019 Troost Avenue,

Kansas City, Missouri.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6657. No. 6657

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Sarah A. Allsman

Age 54 Blood 1/4

Post Office, Kansas City, Mo. 1019 Prospect st. st. Ave

Father: Allen Nay. d.

Mother: Nancy " d.

Claims through mother. 1/2

Husband (1)
Randall Howard. d. w

Husband (2)
Marcus B. W. Allsman d. w.

Children:

George R. Allsman. 19.

Gertrude " 17

Claims for self & 2 minors

Stenographer Clara Mitchell Wood

R. 6[illegible]

Sarah A. Allsman

DECISION RENDERED MAR 4 1904

COPY OF DECISION FORWARDED TO ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS. MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 13 1904

COPY OF DECISION FORWARDED TO ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF THE INTERIOR

MAR 30 1905

JUN 15

REFER TO M. C. R

Choctaw MCR 6658

Cud B. Hanks

MCR 6658

#6658.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 6, 1903.

In the matter of the application for identification as a Mississippi Choctaw of Cud B. Hanks.

S. Heard, Attorney for Applicant.

Christopher C. Hanks being duly sworn testifies with reference to the application which he makes for his son, Cud B. Hanks, for identification as a Mississippi Choctaw, as follows:

Examination by the Commission.

Q What is your name? A Christopher C. Hanks.
Q What is your age? A 57.
Q What is your post office address? A Campton, Kentucky.
Q You are an applicant to this Commission for identification as a Mississippi Choctaw? A Yes sir.
Q Have you a son named Cud B. Hanks? A Yes sir.
Q Where is your son at this time? A In the state of Florida, Jacksonville.
Q Why is he there? A For his health.
Q What is his condition? A He has catarrh.
Q Catarrh of what? A Of the head and throat.
Q Od the bronchial tubes? A Yes sir.
Q Did he go there under the advice of a doctor or physician? A Yes sir.
Q How long has he been there for his health? A 12 months.
Q How long do you expect he will have to remain there? A He wants to stay anyhow until the first of May.
Q Is he improving? A Yes sir, he seems to be some better than he was.
Q Would he be physically able to come before this Commission to make application to be identified as a Mississippi Choctaw before the 25th of March of this year? A No sir.
Q And because of this power of attorney signed by him authorizing you to appear before the Commission here for him, and because of his ill health, and being under a doctor's orders to remain in Florida you make this application? A Yes sir.
Q Do you want to present this power of attorney as your authority for making this application today? A Yes sir.

Power of Attorney signed by C. B. Hanks authorizing C. C. Hanks to make application for the identification as a Mississippi Choctaw of C. B. Hanks is presented by Mr. C. C. Hanks, received, filed, marked "Exhibit A", and made a part of the record in this case.

Q Is the C. C. Hanks in this power of attorney your name, Christopher C. Hanks? A Yes sir.
Q And is C. B. Hanks your son, Cud B. Hanks? A Yes sir.
Q Have you a doctor's certificate to present showing the disability of your son? A No sir, I have not.
Q Have you made an effort to get such a certificate? A Yes sir, I wrote to him for it.
Q You have written to him? A I have written to my son for a doctor's certificate.
Q And you propose to have it filed in this case do you before the case is passed upon? A Yes sir.
Q What is your sons age? A He is 23 years old.
Q Is he married? A No sir.
Q What is his post office address? A Jacksonville, Florida,now.
Q Where will it be when he is at home? A Campton, Kentucky; you might just address him there at home; he will get it anyway.
Q You want to give his post office as Campton? A Yes sir.
Q How long has he lived in Kentucky? A All his life except what little time he has been down in Florida.
Q What is his mother's name? A Jane Hanks.
Q Is she living? A Yes sir.
Q He is your son, and claims through you? A Yes sir.
Q He claims no Choctaw blood at all through his mother? A No sir.
Q How much Choctaw blood do you claim through him? A One-eighth.
Q You claim one-quarter yourself? A Yes sir.
Q You never have been recognized or enrolled as a member of the Choctaw tribe of Indians by any authority whatever, have you? A No sir, never have.
Q Never have made any application, except you have made an application to be identified as a Mississippi Choctaw? A Yes sir, thats all.
Q You made that about the first of January, 1903? A Yes sir.
Q And you would like to have your son's case considered with yours, I presume? A Yes sir.

The case of Christopher C. Hanks, et al., M. C. R. 6508, is here referred to; also the case of Jasper Chambers, M. C. R. 5670, for the purpose of consolidation.

Q What relation is Jasper Chambers to your son? A Second cousin to my son.
Q Your son is not married? A No sir.
Q And you claim only for him? A Yes sir, thats all.
Q Is your son's name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Has he or anyone for him ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Has he or anyone for him ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Has he ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A No sir.
Q Do you want to identify him now as a Mississippi Choctaw, claiming under article 14 of the treaty of 1830? A Yes sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of the treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No sir.
Q What is the name or names of the Choctaw ancestors of this son's son of yours that you claim through? A John Harper and wife.
Q What relation was John Harper to your son? A He was great great grandfather, and great great grandmother.
Q He claims also through John Harper's wife? A Yes sir.
Q What was her name? A Mary Ann Harper.
Q Now, he claims through you, and you claim through which parent? A My father.
Q His name was what? A C. M. Hanks.
Q The "C" stands for what? A Cud.
Q And he claimed through which parent? A His mother.
Q What was her name? A Lydia Hanks, was Lydia Harper.
Q The daughter of John Harper and wife? A Yes sir, the daughter of John Harper and wife.
Q Did any of these ancestors of your son live in Mississippi or Alabama in 1830 and have a family there then? A I dont know.
Q Did you ever hear that any of them lived in Mississippi or Alabama at any time and had a family there then? A I heard that John Harper lived in Mississippi, but I dont know what time.
Q Did he go to Colonel Ward, the Agent, within six months after the treaty of 1830 was ratified, and tell him that he wanted to stay in Mississippi, take land there, and become citizens of the state? A I understand he went before Colonel Ward.
Q You get that from your family history and tradition, do you? A Yes sir.
Q What was done with his application? A I dont know.
Q Did his wife go to Colonel Ward? A I dont know that she went.
Q Where and when did John Harper die? A In Kentucky I understand, I dont know exactly when.
Q Where did his wife die? A In Kentucky I suppose; I dont know for certain about that.
Q Do you know whether they were living in 1830 or 1831? A I think they was living in Kentuckey; I dont know that.
Q Is it your understanding that they went from Kentucky to Mississippi in 1831 to register, and then went back? A Yes sir, thats the way I understand it.
Q And didn't live any length of time in Mississippi? A No sir, I dont think they did, from the way I understand it.
Q Now can you tell how long,- how many months and what months they were in the state of Mississippi?

Q Are you sure they went to Colonel Ward within six months after the ratification of the treaty of 1830 for the purpose of registering? A I am sure from what I understand about it; thats all I know; but I know they went in the fall of 1830 and come back in the spring of 1831.
Q Thats the way you get it from your family history and tradition? A Yes sir, thats the way I get it.
Q Can you give your authority? A Only by a man named Manley.
Q What was his full name? A Peter Manley.
Q Has he been before the Commission? A No sir.
Q Has his deposition been taken? A Yes sir.
Q Has it been filed in any application? A I dont know whether it has been filed yet or not.
Q You rely then to prove that fact by his deposition? A Yes sir; if it aint filed it will be.
Q Did any of your son's Choctaw ancestors live on land in Mississippi or Alabama for five years and then get a patent from the government under article 14 of the treaty of 1830? A Not that I know of.
Q Did any of your Choctaw ancestors or your son's Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for your son? A No sir, not that I know of.
Q Did any of them go to the Choctaw Nation Indian Territory for the purpose of making a permanent home in the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40, at the expense of the government? A Not that I know of.
Q Did any of them own any improvemats on land in that old Choctaw Nation in 1830 or 1831? A Not that I know of.
Q Did any of the Choctaw ancestors of your son go before the Commission of 1837 or the Commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A Not that I know of.
Q You understand, do you not, Mr. Hanks, what those two Commissions were appointed for, and what they attempted to do with reference to these Choctaw Indians? A Yes sir, I think I do.
Q You dont need any other explanation? A No sir, I think I understand all about them that I could understand.
Q You have heard it explained several times? A Yes sir, I have heard you repeat it several times.
Q Several dozens of times, have you not? A Yes sir, I have.
Q Do you know whether any of the Choctaw ancestors of your son ever received any scrip from the governmeny which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them by the government and sold.

Q Does your son speak your Choctaw language or understand it? A No sir.
Q What is his description? A Well, he has got light hair.
Q Light brown hair? A Yes sir.
Q Blue eyes? A Brown eyes,- hazel eyes rather.
Q Has he a mustache? A No sir.
Q Smooth face? A Smooth face.
Q What is his complexion? A Light complected.

Thirty days time is allowed this applicant in order to file a physician's certificate of the disability of Cud B. Hanks, and for the introduction of any other proper proof in this case.

This application of Christopher C. Hanks for his son is allowed because of the authority herein filed, being a power of attorney from Cud B. Hanks to his father, Christopher C. Hanks; also because of the fact that Christopher C. Hanks states that his son is physically disabled and in Florida for his health; and because he states further that a doctor's certificate will be filed in this case before it is considered by the Commission.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin.

Subscribed and sworn to before me this 11 day of February, 1903.

Charles N. Sawyer
Notary Public.

M C R 6658

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Christopher C. Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of the application of his son, Cud B. Hanks, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received, or extension of time granted.

Respectfully,

Chairman.

M C R 6658

Muskogee, Indian Territory, November 5, 1903.

Christopher C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your son, Cud B. Hanks, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6658

Muskogee, Indian Territory, March 19, 1904.

Cud B. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by Christopher C. Hanks for your identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered. Commissioner in Charge.

M.C.R. 6658.

Muskogee, Indian Territory, June 26, 1905.

Cud R. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6658 No. 6658

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Cud B. Hanks, by C. C. Hanks
Age 23 — Blood 1/8

Post Office, Campton, Ky —

Father: C. C. Hanks, "

Mother: Jane " "

Claims through father — 1/4 —

Children:

Claim for son
Cud B. Hanks

Stenographer W. H. Martin

RECORD

FOR [illegible] AMIS[illegible] R. 665

Cud B. Hunter

DECISION RENDERED. MAR 4 1904

COPY OF [illegible] FORWARDED ATTORNEY FOR [illegible] EOCTAW AND CHICKASAW NATIONS. MAR [illegible] 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 19 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPROVED BY
SECRETARY OF [illegible]
MAR [illegible] 1905

[illegible] DEPARTMENT

[illegible] 1905

[illegible] OF [illegible]

[illegible] DEPARTMENT

REFER TO M. O. R. [illegible]

Choctaw MCR 6659

Fielden Cox

MCR 6659

#6659.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, Feb. 6, 1903.

In the matter of the application for identification as Mississippi Choctaws of Fielden Cox and his five minor children, Nettie, Juda C., Christopher C., Robert R., and George C. Cox, #

S. Heard, Attorney for Applicants.

Christopher C. Hanks being duly sworn testifies with reference to the application which he makes for the identification of Fielden Cox and his minor children as Mississippi Choctaws as follows:

Examination by the Commission.

Q What is your name? A Christopher C. Hanks.
Q What is your age? A My age is 57.
Q You live where? A Wolfe County, Kentucky.
Q What post office? A Campton.
Q You have been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q You appeared about the first of January, 1903, did you not? A Yes sir.
Q Do you want to make application now for Fielden Cox and his family? A Yes sir.
Q What relation is Fielden Cox to you? A First cousin.
Q What is Fielden Cox's age? A 59.
Q Where does he live? A His post office is Tolliver, Kentucky.
Q Has he always lived in Kentucky? A Yes sir.
Q How long in Tolliver? A Always,— well, lived right in that neighborhood all the time; right where Tolliver is now; of course the post office hasn't always been there.
Q Do you want to present this power of attorney from Fielden Cox, which authorizes you to represent him and his family? A Yes sir.

Power of Attorney signed by Fielden Cox and others authorizing C. C. Hanks to represent him in the matter of his claim for identification as Mississippi Choctaws before the Commission is presented by Christopher C. Hanks, received, filed, marked "Exhibit A", and made a part of the record in this case as pertaining only to the application of Fielden Cox and his family.

Q You don't care to present this power of attorney except for Fielden Cox, do you Mr. Hanks? A Thats all I want to do.
Q This was properly signed by him, was it? A Yes sir.
Q Have you a doctor's certificate to accompany this power of attorney showing the disability of Fielden Cox? A Yes sir.
Q Do you wish to file it? A Yes sir.

A doctor's certificate signed by W. H. Tutt, M. D., in reference to the disability of Fielden Cox is presented by Christopher C. Hanks, who appears for the said Fielden Cox, received, filed, marked "Exhibit B", and made a part of the record in this case.

Q This doctor's certificate, Mr. Hanks, states that Fielden Cox is suffering from "a very bad case of sore eyes"; it does not show a permanent disability, and as written it does not show such a disability as would be conclusive that he would not be able to come before the Commission himself between now and the 25th of March, 1903; will you undertake to file in this case a doctor's certificate showing such disability within thirty days time from the date hereof? A Yes sir.

This certificate will be accepted at this time, and this application will be accepted, with the understanding that a more complete statement will be filed with reference to the disability of Fielden Cox within said time.

Statements made by A. B. Landrum and John Cox as to the marriage of Fielden Cox and Martha Cotran presented by Christopher C. Hanks, received, filed, marked "Exhibit C", and made a part of the record in this case.

Q What is the name of the father of Fielden Cox? A James Cox.
Q Is he living? A No sir.
Q What is the name of his mother? A Annie Cox.
Q Is she living? A Yes sir.
Q Has she been before the Commission? A No sir.
Q Has any application been made for her? A Yes sir, application is filed.
Q By whom? A Fielden Brown.
Q Do you claim that Fielden Cox derives his Choctaw blood from his mother, Annie? A Yes sir.
Q How much Choctaw blood do you claim for Fielden Cox? A One-fourth.
Q Then his mother, Annie, was one half Choctaw blood? A Yes sir.
Q How do you know? A Well, thats what I understand.
Q That is a matter of family history? A Yes sir.
Q Is Fielden Cox Married? A Yes sir.
Q Wife living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q What is her name? A Martha Cox.
Q Do youmake any claim for the wife of Fielden Cox? A No sir.
Q Do you make any claim for any minor children of his? A Yes sir.
Q How many? A Five.
Q What is the name of the oldest? A Nettie Cox.
Q How old is Nettie? A 20 years old.
Q Is she marr'ed? A No sir.
Q The next? A Juda C. Cox.
Q What is her age? A 18 years.
Q Is that a girl? A Yes sir.
Q The next? A Christopher C. Cox.
Q How old? A Sixteen.
Q The next? A Robert R. Cox? A
Q How old? A 14.
Q The next? A George C. Cox.
Q How old? A 10.
Q Any others? A Thats all; thats five ain't it?
Q Do you claim for Fielden Cox and his five children? A Yes sir.

Q Is Martha Cox, wife of Fielden Cox, the mother of these children? A Yes sir.
Q When and where were they married? A They was married in Wolfe County, Kentucky; I filed the proof there.
Q You filed a statement with reference to their marriage, did you not? A Yes sir.
Q Thats all the proof you have of that? A Yes sir; the records was burned you know.
Q Is the name of Fielden Cox or are the names of any of his children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not that I know of.
Q Has he or anyone for him or his children ever made application for citizenship i the Choctaw Nation to either the Choctaw tribal authorities or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Has he or have any of his children been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
Q Do you want to identify him and his children now as Mississippi Choctaws? A Yes sir.
Q Do you claim for him and them under article 14 of the treaty of 1830? A Yes sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of the Choctaw ancestors of Fielden Cox complied with article 14 of that treaty or not? A No sir.
Q What is the name of the ancestor of Fielden Cox through whom you claim for him the right to be identified as a Mississippi Choctaw? A John Harper and wife.
Q What was John Harper's wife's name? A Mary Ann Harper.
Q Did both have Choctaw blood? A Yes sir.
Q How much? A Full bloods.
Q What relation was John Harper to Fielden Cox? A Great grandfather.

Q And his wife was the great grandmother of Fielden Cox? A Yes sir.
Q Did they live in Mississippi or Alabama at any time? A Yes sir, I understand tat they did live in Mississippi at one time.
Q Did they live there in 1830 and have a family there then? A No sir, not that I know of.
Q Where did John Harper live the most of his life, and his wife?
Q I dont know where he lived most of his life?
Q Did he live in Kentucky at one time? A Yes sir, he lived in Kentucky.
Q When the treaty of 1830 was made where was he living with his wife? A I think he was in Kentucky in 1830.
Q Did he go to Colonel Ward within six months after the ratification of the treaty of 1830 and attempt to register? A I understand he did.
Q You get that from family history? A Yes sir.
Q And did he register? A No sir, I understand he didn't.
Q Did he thereafter live in Mississippi or did he go back to Kentucky immediately after attempting to register? A I think he went back to Kentucky.
Q What proof have you that he attempted to register under Colonel Ward under article 14 of that treaty? A I have proof that he said he went there for that purpose and was refused.
Q What proof to you propose to introduce to show that? A Well, we have the evidence of a man named Sparks, and Smith, and Manley.
Q In what shape will that evidence be introduced, affidavits or depositions, or the personal appearance of witnesses? A Affidavits I suppose.
Q Is any of that proof before the Commission now in this or any other case claiming through John Harper? A Some have been taken; I dont know whether they have been filed or not.
Q Did John Harper or his wife, or any other Choctaw ancestor of Fielden Cox live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time receive a patent to that land from the government under article 14 of the treaty of 1830? A Not that I know of.
Q Did any of them claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know whether they did or not.
Q Did any of the Choctaw ancestors of ~~of~~ Fielden Cox, John Harper or his wife, or any other, go at any time from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between the ratification of the treaty of 1830 and the date of this application made by you today for him? A Not that I know of.
Q You dont know whether any of them went from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A No sir.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A Not that I know of.
Q Did any of them go before the Commission appointed by act of Congress approved March 3rd, 1837, or the Commission appointed by act of Congress approved August 23, 1842, and claim any benefits under article 14 of the treaty of 1830? A Not that I know of.

These commissions were appointed by various acts of Congress to hear the complaints of Indians who said they had gone to Colonel Ward within six months after the ratification of the treaty of 1830, and had attempted to register under article

14 of that treaty, but that Colonel Ward refused to register these Choctaw Indian claimants for some reason known only to himself, and because of his refusal to put their names on his registry list, now known as "Ward's Register", these Indians lost the land which they occupied in the old Choctaw Nation; it was taken from them and sold by the government at its public land sales.

Q You dont know whether any of Fielden Cox's ancestors went before either of these commissions? A No sir.
Q Did John Harper or his wife, or any other Choctaw ancestor of Fielden Cox, receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir, not that I know of.
Q You understand why this scrip was issued, do you not, Mr. Hanks? A Yes sir, I understand that I think.
Q You understand that this scrip was a written document issued by the government allowing these people to select land to take the place of their land which they had been deprived of in the old Choctaw Nation? A Yes sir.
Q Does Fielden Cox or any of his children speak or understand the Choctaw language? A No sir.
Q What is his complexion? A He is dark complected.
Q Blue eyes? A Yes sir, blue eyes.
Q Brown hair? A Yes sir.
Q Is he dark in his complexion or is he light? A He is dark complected.

30 days time is allowed this applicant, Fielden Cox, for the introduction of other proof if he desires in support of this claim made in his behalf by Christopher C. Hanks. .

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 11 day of February, 1903.

Charles N. Jacoway

Notary Public.

M C R 6659

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Christopher C. Hanks and Fielden Cox that they will be allowed thirty days from this date in which to submit further evidence in support of the application of Fielden Cox, et al., for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6659

Muskogee, Indian Territory, November 5, 1903.

Fielden Cox,

Tolliver, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6659

Muskogee, Indian Territory, November 5, 1903.

Christopher C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your cousin, Fielden Cox, and his minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R,6659

Muskogee, Indian Territory, March 19, 1904.

Fielden Cox,

Tolliver, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by Christopher C. Hanks for the identification of yourself and children, Nettie, Juda C., Christopher C., Robert K. and George C. Cox, as Mississippi Choctaws, was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered. Commissioner in Charge.

M.C.R. 6659.

Muskogee, Indian Territory, June 26, 1905.

Fielden Cox,

Tolliver, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6659 No. 6659

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Fielden Cox (by C. C. Ramsey)

Age 59 Blood 1/4

Post Office, Tolliver, Ky.

Father: James Cox d

Mother: Annie " d.

Claims through mother 1/2

Wife

Martha Cox. l. w

No claim for wife.

Children:

Nellie Cox. 20

~~20~~ Juda C. Cox F. 18

Christopher C. Cox 16

Robert R. Cox. 14

George C. Cox. 10

Claim for Fielden Cox & his 5 children

Stenographer W. N. Martin

by Christopher C. Hanks.

FOR [illegible]

AMENDED [illegible] R. 6[illegible]

Fielden Cox [illegible]

DECISION RENDERED Mar 4 1904

COPY OF DECISION FORWARDED ATTORNEY FOR [illegible] AND CHICKASAW NATIONS MAR 4 [illegible]

NOTICE OF DECISION MAILED APPLICANT. MAR 11 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPROVED BY
SECRETARY OF [illegible]
MAR 31 1905

[illegible] DEPARTMENT
JUN [illegible]

[illegible]

[illegible]

Choctaw MCR 6660

Nancy J. Landrum

MCR 6660

#6660.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., February 6, 1903.

In the matter of the application for identification as a Mississippi Choctaw of Nancy J. Landrum.

S. Heard, Attorney for Applicant.

Christopher C. Hanks being duly sworn testified with reference to the application which he makes for the identification as a Mississippi Choctaw of Nancy J. Landrum as follows:

Examination by the Commission.

Q What is your name? A Christopher C. Hanks.
Q What is your age? A 57.
Q What is your post office address? A Campton, Kentucky.
Q Are you an applicant for identification as a Mississippi Choctaw before the Commission? A Yes sir.
Q You made application, did you not, about the first part of January, 1903? A Yes sir, or the last part of December.

The case of Christopher C. Hanks, et al., M. C. R. 6508, is referred to in this connection.

Q Do you claim now for the identification of this minor, Nancy J. Landrum? A Yes sir.
Q Do you claim that she derives her Choctaw blood through the same ancestor that you claim through? A Yes sir.
Q That is John Harper and his wife? A Yes sir.
Q John Harper's wife's name is what? A Mary Ann.
Q By what authority do you appear before the Commission to make application for Nancy J. Landrum? A Authority from Wolfe County Court, being appointed guardian of her.
Q Are you the legally appointed guardian of this child? A Yes sir.
Q Do you introduce this copy of the record of your appointment as guardian of this child to be filded in this case? A Yes sir.

Said instrument is accepted by the Commission as presented by Christopher C. Hanks, filed, marked "Exhibit A", and made a part of the record in this case.

Q What is the age of Nancy J. Landrum? A Two months old.
Q This child is two months old? A Yes sir.
Q Is the father of this child living? A No sir.
Q What was his name? A John Landrum.
Q When did he die? A He died in 1902, I dont know exactly what date.
Q The latter part of 1902? A Yes sir.
Q In the fall? A Yes sir, about September I think, 1902.
Q Is the mother of this child living? A Yes sir.
Q What is her name? A Frances Landrum.

Q Through which parent does this child derive her Choctaw blood? A Through her father.
Q Where is this child living with its mother? A In Wolfe County, Kentucky.
Q What is the post office? A Spradling, Kentucky.
Q The child was born there was it? A Yes sir.
Q How old is the mother of this child? A 30 years old.
Q Would it be impossible for her to come here with a two months old child to make application for it? A Yes sir, I think it would.
Q And you were legally appointed guardian for this child in order that its interests may be preserved in the matter of this application? A Yessir.
Q You have accepted the responsibility and filed bond for that purpose? A Yes sir, executed bond for that purpose.
Q How much Choctaw blood do you claim for this child? A One-sixteenth.
Q Its father was one-eighth Choctaw blood? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Has anyone ever made application for this child for citizenship in the Choctaw Nation before this application made by you today? A No sir.
Q No one has ever sought to enroll it either before the Choctaw tribal authorities or before the Dawes Commission at any time? A No sir.
Q Do you want to now identify this child as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830 for it? A Yes sir.

The article referred to is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of the Choctaw ancestors of this child comply with article 14 of that treaty, or attempt to do so? A I understand that John Harper did comply with it.

Q John Harper complied with it? A Yes sir, he tried to.
Q What relation was John Harper to this child? A He was her great great great grandfather I think.
Q What was John Harper's wife's name? A Mary Ann Harper.
Q Were both of them Choctaw Indians? A Yes sir.
Q How much Choctaw blood did they have? A Full bloods I think.
Q Did they live in Mississippi or Alabama in 1830 and have a family there then? A Not that I know of.
Q Did they ever live in Mississippi or Alabama? A I understand they lived in Mississippi.
Q How long? A I dont know how long.
Q About how long? A I couldn't tell you exactly.
Q Two months or two years? A I couldn't tell you.
Q They lived most of the time, did they not? A They lived in Kentucky, I dont know how long.
Q Were they not living in Kentucky when the treaty of 1830 was made? A I think they were.
Q Did they go from Kentucky to Mississippi to register? A Yes sir, I think so.
Q And went back again? A Yes sir, went back, I dont know how long they stayed.
Q You did hear then that they went before Colonel Ward within six months after the treaty of 1830 was ratified and attempted to register under article 14? A Yes sir.
Q Did you hear that they registered? A No sir, I understand that they did not.
Q Did both go or just John Harper? A Just John Harper I think.
Q His wife didn't go? A No sir, I dont think she did.
Q Did John Harper live on land in the old Choctaw Nation for five years and then get a patent from the government for that land? A I dont know.
Q Did any other Choctaw ancestor of this child? A No sir, not that I know of.
Q Did John Harper, or his wife, or any other Choctaw ancestor of this child go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you for this child today? A No sir.
Q Or at any other time between 1833 and 1838? A No sir.
Q Did any of the Choctaw ancestors of this child own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.
Q Mr. Hanks, you understand, dont you, about the Commission that were appointed, one in 1837 and one in 1842, to hear these Choctaw Indians who stayed back in Mississippi? A Yes sir.
Q You understand all about them without an explanation? A O, yes.
Q Do you know whether any Choctaw ancestors of this child went before either of those commissions and claimed any benefits under article 14 of the treaty of 1830? A No sir.
Q You also understand about scrip being issued under an act of Congress approved August 23, 1842? A Yessir.
Q Did any of the Choctaw ancestors of this child get any such scrip? A Not that I know of.
Q And you never heard that any of them got any land from the government as Choctaw Indians? A No sir.
Q Is there anything more you want to say now in support of this claim? A No sir.

Nancy J Landrum------4

You will be allowed thirty days time in which to introduce other evidence, if you desire to do so, for this child in support of this application.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript os his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 11 day of February, 1903.

Charles H. Sawyer

Notary Public.

M C R 6660

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Christopher C. Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of the application of Nancy J. Landrum, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6660

Muskogee, Indian Territory, November 5, 1903.

Christopher C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Nancy J. Landrum, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6660

Muskogee, Indian Territory, March 19, 1904.

Nancy J. Landrum,

Spradling, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by Christopher C. Hanks for your identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered. Commissioner in Charge.

M.C.R. 6660.

Muskogee, Indian Territory, June 26, 1905.

Nancy J. Landrum,

Spradling, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were notified by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6660 No. 6660

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

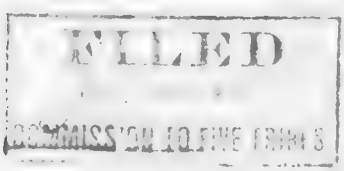
Name Nancy J. Landrum
(minor) by Christopher C. Landrum.
Age. 2 months. Blood 1/16
Post Office, Spradling, Ky.
Father: John Landrum. d
Mother: ~~Jennie J.~~ Frances " l.
Claims through father. 1/8

Children:

Claim for 2 months old child

Stenographer W.H. Martin


CIN'L ST. L.
JUN
1905
R.P.O.


FILED

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Nancy J. Landrum,

Spradling, Kentucky.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R. 16

Nancy J. Landrum

DECISION RENDERED MAR 4 1904

COPY OF DECISION FORWARDED TO ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 1[illegible] 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 20 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT,

JUL 29 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED [illegible]

NOTICE OF DEPARTMENTAL ACTION [illegible]

REFER TO M. C. D.

[illegible]

Choctaw MCR 6661

McDonel Lewis

MCR 6661

#6661.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 6, 1903.

In the matter of the application for identification as Mississippi Choctaws of McDonel, Ida May, and John Riley Lewis, minors.

S. Heard, attorney for applicants.

Christopher C. Hanks being duly sworn testifies with reference to the application which he makes in behalf of McDonel, Ida May and John Riley Lewis, for identification as Mississippi Choctaws, as follows:

Examination by the Commission.

Q What is your name? A Christopher C. Hanks.
Q What is your age? A 57.
Q What is your post office address? A Campton, Kentucky.
Q Are you an applicant for identification as a Mississippi Choctaw before the Commission? A Yes sir.
Q You applied the latter part of December, 1902, or the first part of January, 1903, did you not? A Yes sir.

The case of Christopher C. Hanks, et al., M. C. R. 6508, is here referred to for the purpose of consolidation; also the case of Jasper Chambers, M. C. R. 5670. The latter case being the case under which all of these cases are to be consolidated.

Q You now come before the Commission, do you not Mr. Hanks, as guardian of minor children to make application for them? A Yes sir.
Q Do you wish to file this statement or certificate of the clerk of Wolfe County court as to your appointment as guardian of these minor children? A Yes sir.

Said instrument referred to is received, filed, marked "Exhibit A", and made a part of the record in this case.

Q Also do you wish to file this further statement made by W. S. Tutt, clerk of Wolfe County Court of the state of Kentucky, with reference to the fact that the father of these children, James Lewis, is now in the state penitentiary at Frankfort, Kentucky? A Yes sir.

Said statement is received, filed, marked "Exhibit B", and made a part of the record in this case.

Q What are the names of these children, beginning with the oldest? A McDonel Lewis, age 15.
Q How old is he? A 15.
Q What is the name of the next? A Ida May Lewis.
Q How old? A 13.

Q The next? A John Riley Lewis.
Q How old? A 10; thats all.
Q Where are these children living at the present time? A In the state of Wisconsin.
Q What is their post office address? A I dont know their post office address.
Q You are the legal guardian of these children, are you? A Yes sir.
Q Any mail addressed to them through you at your address would reach the children? A Yes sir.
Q Were these children born in Kentucky? A Yes sir.
Q And are living where now? A In Wisconsin.
Q Who has charge of them there? A One of their aunts.
Q What is the name of the father of these children? A James Lewis?
Q He is living, is he? A Yes sir, he's the man thats in the penitentiary there.
Q He is in the state prison at Frankfort, Kentucky? A Yes sir.
Q For what crime? A For murder.
Q When was he convicted? A About five years ago.
Q What is his sentence? A Life sentence.
Q How old a man is he? A About forty years old.
Q What is the name of the mother of these children? A Lucinda Lewis.
Q Is she living? A She is dead.
Q When did she die? A I dont know exactly; she has been dead four or five years; I dont know exactly what year she died.
Q She died since her husband was confined in the state prison? A Yes sir, I believe it was.
Q Through which parent do these children claim their Choctaw blood? A Their father.
Q How much Choctaw blood do you claim for these children? A One-sixteenth.
Q Is their father one-eighth Choctaw blood? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Now, these children claim through their father, do they? A Yes sir.
Q And he claims through whom, his father or mother? A Through his mother.
Q What was her name? A Polly Ann Lewis.
Q What was her maiden name? A Polly Ann Hanks.
Q She claimed through whom? A Her father.
Q His name was what? A William Hanks.
Q He claimed through whom? A His mother.
Q What was her name? A Lydia Hanks, she was a Harper.
Q She was the daughter of John Harper and Mary Ann Harper? A Yes sir.
Q Did any of these ancestors of these children live in Mississippi or Alabama at any time? A Not that I know of.
Q Did any of them go to Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states within six months after the ratification of the treaty of 1830? A No sir, not that I know of.
Q Do you know when James Lewis and his wife, Lucinda, were married? A No sir, I dont know.

Q If you were allowed a little time could you file the proof of the marriage of the father and mother of these minor children? A Yes sir.
Q Do you know whether James Lewis ever made application for these children, or anyone else for them, for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Are these children's names on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have they ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time, either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you want to identify these children now as Mississippi Choctaws claiming under article 14 of the treaty of 1830? A Yes sir.

The treaty of 1830 had this article 14 put into it for the protection of Mississippi Choctaw Indians when it became known that these Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the general provisions of the treaty after its ratification. The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Was the mother of these children a white woman? A Yes sir.
Q They get all their Choctaw blood from their father, James Lewis? A Yes sir.
Q And their claim is through John Harper and his wife, through whom you get your Choctaw blood? A Yes sir.
Q Are these children also related to Jasper Chambers, who has made application here to be identified as a Mississippi Choctaw? A Yes sir, the same relation to him as they are to me.
Q Would you like to have their case made a part of his application and considered under it? A Yes sir.

The case of Jasper Chambers, M. C. R. 5670, is here referred to for the purpose of consolidation.

Q Did any of the Choctaw ancestors of these children comply or attempt to comply with article 14 of the treaty of 1830? A I dont know.

Q You say that these children claim through their father, and his claim is through John Harper and his wife, Mary Ann Harper? A Yes sir.
Q Did they go to Colonel Ward within six months after the treaty of 1830 was ratified and attempt to register under article 14 of that treaty? A I understand they did; I understand John Harper did.
Q Did his wife? A Not that I ever heard of.
Q Were they living in Mississippi together at that time? A No sir, I think they lived in Kentucky.
Q Went from Kentucky to Mississippi to register? A Yes sir.
Q And did he go back to Kentucky then? A Yes sir, I think so.
Q How soon after he went to Mississippi and attempted to register? A Well, I understand he went there in 1830 and went back in 1831; I dont know.
Q That is family tradition is it? A Yes sir.
Q And you are uncertain about that? A No sir.
Q Do you know anything about that, is what I am trying to get at? A No sir, I dont know nothing about that.
Q Do you know whether any of the minor children's ancestors, for whom you make this application, lived on land in the old Choctaw Nation, either in Mississippi or Alabama, for five years, and then got a deed of that land from the government? A No sir.
Q Did they claim any land in Mississippi or Alabama under article 14 of the treaty of 1830? A I dont know.
Q Did any of them, John Harper or his wife, or any other ancestor of these children, go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A Not that I know of.
Q Did they go at any other time to the Choctaw Nation, Indian Territory, for the purpose of making a permanent home in the Choctaw Nation, Indian Territory, between the ratification of the treaty of 1830 and the date of this application made by you for these children today? A I dont know.
Q Did any of the Choctaw ancestors of these children own any improvements on land in that old Choctaw Nation in 1830 or 1831? A I dont know.
Q Did any of them go before the Commission appointed by act of Congress approved March 3, 1837, or before the Commission appointed by act of Congress of August 23, 1842, and claim any benefits under article 14 of the treaty of 1830? A I dont know.
Q You understand about those commissions, dont you? A Yes sir I think I do.
Q Did any of them receive any scrip from the government, which entitledthem to select land either in Mississippi, Alabama, Louisiana, or Arkansas? A Not that I know of.

This scrip was issued under the act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article 14, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Do these children understand or speak the Choctaw language? A No sir.

Q What is the personal appearance of McDonel Lewis? A He's light complected.
Q Blue eyes? A Yes sir.
Q Ida May Lewis? A She's light complected, red-haired.
Q Blue eyes? A Yes sir.
Q John Riley Lewis? A Same thing.
Q Blue eyes, red hair? A Yes sir.
Q Is there anything more you want to say now in support of this claim for these children? A No sir, not that I know of.

30 days time is allowed this applicant from the date hereof in which to introduce other evidence in support of this claim which he makes for these minor children.

Walter H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 11 day of February, 1903.

Charles K Hammer

Notary Public.

M C R 6661

Muskogee, Indian Territory, November 5, 1903.

Christopher C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of McDonel, Ida May and John Riley Lewis for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no furtner evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6661

Muskogee, Indian Territory, November 5, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Christopher C. Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of the application of McDonel Lewis, et al., for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6661

Muskogee, Indian Territory, March 19, 1904.

Christopher C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of McDonel, Ida May and John Riley Lewis, as Mississippi Choctaws, was made a part, refusing said application.

You are further advised that the attorney of record in your case, R. L. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M.C.R. 6661.

Muskogee, Indian Territory, June 26, 1905.

Christopher C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., including the applications of McDonel, Ida May and John Riley Lewis, of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6661 No. 6661

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Christopher C. Davis, for 3 minors (below)

~~Age~~ of chicken ~~Blood~~

Post Office, Camplin. Ky

Father: James Lewis, d.

Mother: Lucinda " (d)

Claims through chicken father 1/8

Children:

McKlonel Lewis, 1/16 15.

Ida May " 1/16 13

John Riley " 1/16 10

Claims for said minors

Stenographer W. A. Martin

R. 666

McDonel Lewis

DECISION RENDERED. MAR 4 1904

COPY OF [illegible] FORWARDED [illegible] 1904
ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS

NOTICE OF [illegible] MAILED APPLICANT. MAR [illegible] 4

COPY OF [illegible] FORWARDED MAR 14 1904
ATTORNEY FOR APPLICANT.

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPROVED
SECRETARY OF [illegible]
MAY 2[illegible] 1905

DEPARTMENT
[illegible]
JUL [illegible] 1905

NOTIFIED

Choctaw MCR 6662

Nancy J. Bowman

MCR 6662

#6682.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 6, 1903.

In the matter of the application for identification as a Mississippi Choctaw of Nancy J. Bowman.

Thomas & Harrison, attorneys for applicant.

Andrew J. Bowman being duly sworn testifies with reference to the application which he makes in behalf of his wife, Nancy J. Bowman, for identification as a Mississippi Choctaw, as follows:

Examination by the Commission.

Q What is your name? A Andrew J. Bowman.
Q What is your age? A I am sixty years old, sixty-one my next birthday,- next month.
Q What is your post office address? A Monica, Kentucky.
Q What is your occupation? A Farmer.
Q Are you a Choctaw Indian or are you a white man? A I am a white man.
Q You dont make any claim as a Choctaw Indian? A No sir.
Q Are you before the Commission at this time to make application for Nancy J. Bowman? A Yes sir.
Q Is she your wife? A Yes sir.
Q She has authorized you by power of attorney, has she not? A Yes sir.
Q And you want to file this power of attorney as your authority to appear for her now and make this application? A Yes sir.

Power of attorney of Nancy J. Bowman authorizing her husband, A. J. Bowman, to represent her in this application is presented by him, received, filed, marked "Exhibit A", and made a part of the record in this case.

Q You have also a doctor's certificate, have you not, stating the condition of your wife at this time? A Yes sir.
Q Do you want to file it as a part of the record in this case? A Yes sir.

A doctor's certificate signed by H. B. Oliver, M.D., with reference to the condition of Nancy J. Bowman is presented by Andrew J. Bowman, husband of Nancy J. Bowman, received, filed, marked "Exhibit B", and made a part of the record in this case.

This doctor's certificate is not properly acknowledged before a Notary Public, or other officer authorized to administer oaths, but will be accepted with the understanding that before this case is acted upon by the Commission a properly attested physician's certificate will be filed.

Q This power of attorney is also signed, is it not, by your daughter? A Yes sir.
Q What is her name? A Margaret Bowman.

Nancy J Bowman-----2

Q You propose making a separate application for your daughter, Margaret? A Yes sir.
Q And you would like in that application to refer to this same power of attorney? A Yes sir.
Q What is your wife's age? A Fifty-nine I think is her age.
Q Her full name is Nancy Jane Bowman? A Yes sir.
Q What is her post office address? A Monica, Kentucky.
Q How long has she lived there? A Lived there about thirty years.
Q Has she always lived in Kentucky? A Yes sir.
Q Born and raised there? A Yes sir.
Q Is her father living? A No sir.
Q Is her mother living? A No sir.
Q What was her father's name? A Henry Evans.
Q What was her mother's name? A Lucinda Evans.
Q Through which parent does your wife claim her Choctaw blood? A From her mother.
Q How much does she claim, or do you claim for her? A Well I claim her mother,---
Q How much Choctaw blood has your wife? A One quarter.
Q You claim your wife's mother was one half Choctaw? A One half.
Q Has your wife's mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not as I know of.
Q When were you married to your wife? A I was married the 24th day of April, 1862.
Q Your blood is white and you dont claim any Choctaw interests? A No sir.
Q Have you any children by this wife that you want to make application for now under age and unmarried? A I have got one thats not married, but they are all over twenty-one.
Q How old is Nancy J. Bowman? A 59.
Q And you have an invalid daughter? A Yes sir.
Q What is her name? A Margaret.
Q You intend to make separate application for her under this power of attorney? A Yes sir.
Q Is the name of your wife on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Has she ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory or the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Has she ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribs or the United States Court in the Indian Territory? A No sir.
Q Do you now come before the Commission to identify her as a Mississippi Choctaw, claiming under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article well enough to claim under it? A I dont know that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830. This treaty is sometimes called the treaty of Dancing Rabbit Creek. The object of the treaty was to remove the Choctaw Indians from the old Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known but a good many

Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830; the treaty was then signed and afterwards became ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of the Choctaw ancestors of your wife complied or attempted to comply with article 14 of the treaty of 1830? A No.

Q What is the name, or what are the names, of the ancestor or ancestors of your wife through whom you are making this claim now? A John Harper and his wife, Mary Ann Harper.

Q What relation were they to your wife? A John Harper was my wife's great grandfather.

Q And his wife her great grandmother? A Yes sir.

Q How much Choctaw blood did they have? A They were full blood.

Q Did any of the Choctaw ancestors of your wife, either John Harper or his wife, or any other, live in Mississippi or Alabama in 1830 and have a family there at that time? A Well, I dont know that they did.

Q Did they ever live in Mississippi, do you know? A No sir, I dont know that they did.

Q Do you know whether either or both of them lived at any time? A Personally I dont.

Q From family history and tradition do you know? A Yes, that way I understand that they lived at Mount Sterling, Kentucky

Q Do you know when? A No, it has been a good many years ago; I dont know the time; but I have been informed at various times they lived there; I have heard people talk about that.

Q Did John Harper or his wife or any other Choctaw ancestor of your wife go to Colonel Ward, the United States Indian Agent within six months from the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Well, I have heard it that way.

Q Thats your understanding from family history? A Yes sir.

Q You have no record of that I suppose? A Not any.

Q Did they register or were they refused? A I suppose they didn't register.

Q Who went, John or Mary? A John Harper.

Q Do you know whether John Harper, or his wife, Mary Ann Harper, lived on land in the old Choctaw Nation in Mississippi or Alabama for five years and then get a patent from the government for that land? A No sir.
Q Did they claim any land in that old Choctaw Nation under article 14 of that treaty? A No sir.
Q Did any of the Choctaw ancestors of your wife go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1830 and 1838, or '40? A No sir, not that I know of.
Q Did any of the Choctaw ancestors of your wife go from that old Choctaw Nationto the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir, not that I know of.
Q Did any of the Choctaw ancestors of your wife own any improvements on land in that old Choctaw Nation in 1830 or 1831? A Not that I know of.
Q Did any of them go before the Commission of 1837 or the Commission of 1842, which commissions were appointed by various acts of Congress to hear Choctaw Indians claimants who claimed that they had tried to register under article 14 of the treaty of 1830, and had been refused registration by Colonel Ward, for the purpose of getting, either before the Commission of 1837 or the Commission of 1842, their rights under that article of that treaty? A I couldn't say that I know; it has been my understanding though that John Harper went to register and was refused.
Q That was before Colonel Ward wasn't it? A I couldn't say who it was before, but he was refused permission to register.
Q By whom? A The Commissioner is what I have always heard.
Q Do you mean Commissioner or do you mean Colonel Ward, the Agent, or do you mean the commission of 1837 or the Commission of 1842? A I suppose it was before the Commission of 1842; I ain't posted on those acts; I dont know really.

You see Colonel Ward heard applications of Choctaw Indians who wanted to register under article 14,or was supposed to hear them, within six months from February 24, 1831, and after the six months was up he could not hear any more applications. He refused to hear a great many, and years past until we come down to 1837, six years after that time, and a Commissionwas appointed to hear those who were dissatisfied, and who had been refused by Colonel Ward. That commission ceased its duties and complaints continued to be made, and congress appointed anot er Commission in 1842; that commission also heard claimants who said that they had been to Ward in 1831, that was eleven years before. Now, it is a matter of importance for you to testify if you can whether any of the ancestors of your wife went before the Commission of 1837 or he Commission of 1842, or whether any of them went before Colonel Ward in 1831.

Q Do you know anything about that? A Well, I dont Know about that.
Q Do you know whether any of the Choctaw ancestors of your wife received any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land formerly held by them in the old Choctaw Nation, and which the government had taken from them and sold? A No sir, I dont know.

Q Does your wife speak or understand the Choctaw language? A No sir.
Q Is she related to Christopher C. Hanks? A Yes sir.
Q Also to Jasper Chambers? A Yes sir.

The case of Christopher C. Hanks, M. C. R. 6508, is referred to in this connection. Reference is also made to the case of Jasper Chambers, M. C. R. 5670, and the case of Charles E. Duff, M. C. R. 6563. All of these cases being the applications of persons claiming through the same common ancestor, John Harper and wife.

By Mr Harrison, attorney for applicant:
Q What you know about this case is simply what you have head in your family, is it not? A Yes sir.
Q Where do you get your information that John Harper in 1830 made an application for land in the state of Mississippi as a Choctaw Indian? A Well, I have heard at various times it talked by some of the relatives that he had a claim there; I dont know nothing about his residence.
Q Did you ever hear anything said about a trip, a special trip, which he is said to have made there for that purpose? A I have heard some such talk, yes; I have heard it said he made a trip.

By the Commission:
Q What is your wife's personal appearance as to whether she looks like a Choctaw Indian or a white woman? A Well, I ain't very well acquainted with the appearance of the Indians, but she is a very dark skinned woman; black eyes, black hair. I can give you her complexion and so forth. I dont know whether they favor or not, for I never saw any of them.

30 days time is allowed this applicant within which to introduce other testimony in support of this application.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 12 day of February, 1903.

Charles H. Lamm

Notary Public.

M.C.R. 6663
" 6663

Muskogee, Indian Territory, April 1, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th ultimo, enclosing physician's certificate offered for filing in support of the Mississippi Choctaw case of Nancy J. Bowman, et al; also power of attorney of A.J. Bowman offered for filing in the Mississippi Choctaw case of Margaret Bowman, et al.

The same have been duly filed with the records in these respective cases.

Respectfully,

Commissioner in Charge.

M C R 6662

Muskogee, Indian Territory, April 20, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing the affidavits of Owens Crawford and Pleasant Lucas, offered in support of the application made by Andrew J. Bowman for the identification of his wife as a Mississippi Choctaw. The same have been filed with the record in this case.

Respectfully,

Chairman.

M C R 6662
M C R 6675

Muskogee, Indian Territory, May 13, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing the following:

Marriage certificate between Johnathan B. Creech and Margaret Evans; affidavits of A. Drake and Caldwell Oaks; and certificate of the Clerk of Breathitt County, Kentucky, offered in support of the Mississippi Choctaw case of Margaret Creech, et al.

Certified copy of marriage certificate between Henry Evans and Lucinda Hanks, offered in support of the Mississippi Choctaw case of Nancy J. Bowman.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

M C R 6662

Muskogee, Indian Territory, November 5, 1903.

Andrew J. Bowman,

Monica, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your wife, Nancy J. Bowman, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6662

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Andrew J. Bowman that he will be allowed thirty days from this date in which to submit further evidence in support of the application of his wife, Nancy J. Bowman, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6662

Muskogee, Indian Territory, March 14, 1904.

Nancy J. Bowman,

Monica, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by Andrew J. Bowman for your identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such brief and argument as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R. 66627

Muskogee, Indian Territory, June 26, 1905.

Nancy J. Bowman,

Monica, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary ofthe Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail of the 14th day of March, 1904.

Respectfully,

Chairman.

6662. No. 6662

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Nancy J. Bowman by Andrew J. Bowman, Ga.
Age 59 — Blood 1/4

Post Office, Monica, Ky —

Father: Henry Evans. d

Mother: Lucinda " d

Claims through mother 1/2
Husband Andrew J. Bowman. w
No claim for husband.

Children:

Claims for ~~wife~~ wife alone — " —

Stenographer W. H. Mathews

R. 64

Nancy J. Bowman

DECISION RENDERED MAR 4 1904

COPY OF DECISION FORWARDED SUPERINTENDENT CHOCTAW AND CHICKASAW NATIONS. MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY SECRETARY OF INTERIOR

MAR 25 1905

Choctaw MCR 6663

Margaret Bowman

MCR 6663

#6663

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 6, 1903.

In the matter of the application for identification as a Mississippi Choctaw of Margaret Bowman.

Thomas & Harrison, attorneys for applicant.

Andrew J. Bowman being duly sworn testifies with reference to the application which he makes for the identification of his daughter, Margaret Bowman, as a Mississippi Choctaw, as follows:

Examination by the Commission.

Q What is your name? A Andrew J.Bowman.
Q What is your age? A I am 60 years old.
Q Where do you live? A In Lee County, Kentucky.
Q What post office? A Monica.
Q You are a white man, are you not? A Yes sir.
Q What is your occupation? A Farmer.
Q Are you the husband of Nancy J. Bowman? A Yes sir.
Q You have just made application for her under a power of attorney executed by her and filed in her case? A Yes sir.
Q In the same power of attorney your daughter, Margaret Bowman, has also authorized you to represent her claim before the Commission? A Yes sir.
Q And you wish to refer to that power of attorney filed in the application you made for Nancy J. Bowman, your wife? A Yes sir.

The case of Nancy J. Bowman, M. C. R. 6662, in which case there is filed a joint power of attorney from Nancy J. Bowman and Margaret Bowman, authorizing Andrew J. Bowman to represent these two applicants before the Commission.

Q What is your daughter's age? A 40 years old.
Q Is she married? A No sir.
Q Is she sick at this time? A Well, she is sick nearly all the time.
Q What is her physical condition? A Well, it is very bad.
Q What is her disease? A Epileptic fits.
Q She is not able to come here herself? A No sir.
Q What is the condition of her mind? A At times it is all right and at others it is not.
Q Now then she is not a woman of what you might call sound mind? A No sir.
Q Do you wish to file this doctor's certificate asto the condition of your daughter, Margaret Bowman? A Yes sir.
Q This doctor's certificate has not been properly acknowledged before a Notary Public or other officer authorized to administer oaths, but will be accepted with the understanding that before this case is acted upon by the Commission a properly attested physician's certificate will be filed; you will file, will you Mr. Bowman, a properly attested doctor's certificate of the disability of your daughter in this case before it is reached for consideration by the Commission? A Yes sir.

reached for consideration by the Commission? A Yes sir.

This certificate of H. B. Oliver, M. D., without the attestation of an officer under seal is presented and received by the Commission, filed, marked "Exhibit A", and made a part of the record in this case, it being understood that a physician's certificate, properly executed, will be filed in this case within thirty days from the date hereof.

Q Where is your daughter, Margaret, living at this time? A With me and her mother.
Q Is her post office address the same as yours? A Yes sir.
Q And that is what? A Monica, Kentucky.
Q Has she always lived in Kentucky? A Yes sir.
Q What is her mother's name? A Nancy Jane Bowman.
Q You made application for her mother today, did you not? A Yes sir.
Q She claims through her mother? A Yes sir.
Q How much Choctaw blood do you claim for your daughter, Margaret? A One eighth.
Q You claim your wife is one fourth? A Yes sir.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your daughter, Margaret, married? A No sir.
Q Is the name of your daughter on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Has any application ever been made for her for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Has she ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
Q You want to identify her now as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article well enough to claim under it now after having heard it explained? A Well, I dont know whether I do or not; it is a mixed up affair.

The Choctaw Indians used to live in the old Choctaw Nation partly in Mississippi and partly in Alabama. In 1830 the government desired to remove them from the old Nation to the Choctaw Nation, Indian Territory. This removal was effected by making a treaty between the United States government and the Choctaw Indians. That treaty was made at Dancing Rabbit Creek in Mississippi on the 27th day of September of that year. The treaty provided that the government should remove them and should furnish them with certain money and supplies, and should give them free transportation. They agreed under certain conditions to go, but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. That is the article under which you claim for your daughter now, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, do you know whether any of the Choctaw ancestors of your daughter complied with that article or not? A No sir, I do not.
Q Through whom does she make this claim to be identified now? A John Harper and his wife.
Q What was her name? A Mary Ann.
Q She claims through her mother, Nancy J. Bowman? A Yes sir.
Q Her case is M. C. R. 6662; and she claims, your wife, through whom, father or mother? A She claims under Harper.
Q Through her father or mother? A She claims from her mother.
Q What was her mother's name? A Lucinda Evans.
Q And what was her maiden name? A Lucinda Hanks.
Q Lucinda Hanks claimed through whom, father or mother? A Through her mother.
Q What was her name? A Lydia Hanks.
Q She claimed through whom, father or mother? A She claimed through both.
Q What were their names? A John and Mary Ann Harper.
Q Did any of the Choctaw ancestors of your daughter live in Mississippi or Alabama in 1830 and have a family there then? A No sir, not that I know of.
Q Did any of the Choctaw ancestors of your daughter go to Colonel Ward, the United States Indian Agent, within six months from the ratification of the treaty of 1830 and attempt to register under article 14 of that treaty? A I dont know that they did.
Q Did any of the Choctaw ancestors of your daughter live on land in the old Choctaw Nation in 1831 and thereafter for five years or for any number of years greater than five, and then get a patent from the government for that land? A No sir.
Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
Q Did any of the Choctaw ancestors of your daughter go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A No sir.
Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made for your daughter today? A No sir.

Q Did any of them own any improvements onland in the old Choctaw Nation in 1830? A No sir.
Q Did any of them go before the Commission of 1837 or the Commission of 1842 and claim any rights or benefits under article 14 of the treaty of 1830? A No sir.

These two commissions were appointed, as I explained to you, Mr. Bowman, when you made application for your wife, because a good many Indians claimed that they had gone to Colonel Ward in 1831 and had attempted to register under article 14 of the treaty of 1830, and he refused to register them, and afterwards they went before these two Commissions and claimed their rights under that article.

Q You understand that now, dont you? A Yes sir.
Q Do you know whether any of your daughter's ancestors went before either of those two Commissions? A Well, I dont know about that.
Q They might have, but you dont know it? A No sir, I dont know.
Q Do you know whether any of the Choctaw ancestors of your daughter received any scrip or certificates which entitled them to select land in place of land which they formerly occupied in the old Choctaw Nation, and which the government had taken from them? A No sir.

This scrip was issued under an act of Congress approved August 23, 1842.

Q Does she speak or understand Choctaw? A No sir.
Q Is she dark or light? A She's light.
Q Has she blue eyes? A Yes sir.

30 days time is allowed this applicant for the purpose of filing other proof, if desired.

Q Is Christopher C. Hanks a relative of your daughter? A Yes sir.

This application is referred to, M. C. R. 6508; also the case of Jasper Chambers, M. C. R. 5670, and the case of Charles E. Duff, M. C. R. 6563, these being cases of applicants claiming through the same common ancestors, John Harper and wife.

By Mr Harrison, attorney for applicant:
Q In answering a question of the Commission as to whether any of the ancestors of your daughter ever received any scrip in lieu of land you said "no sir"; did you mean to say "no sir", or did you mean to say "I dont know"? A Well, I meant to say that I dont know if they did receive it; I dont know whether they received any or not; I am bound to answer no sir, I dont know.
Q Then if you answered that unqualifiedly "no sir", you were mistaken about it? A Yes sir.
Q And as a matter of fact you dont know? A No sir, of course I dont know.
Q What information you have ever had relative to John Harper making application to the Agent in Mississippi in 1830 for land as a Choctaw Indian is from family history and tradition? A Well, it is from the family relations, of those people, it has been talked that he went there to register; I have heard that talked frequently.
Q Where was John Harper married? A I dont know, sir.
Q Where

Q Where did he die? A My understanding is he died in Kentucky.
Q What was the name of his wife before they were married, if you know? A Well sir, I dont know.
Q You also stated that none of your ancestors went to the Indian Territory in 1838; do you mean to answer that question unqualifiedly "no sir", or do you mean to say "I dont know"? A Well, I dont know; of course I dont know.

We want to present the marriage certificate, or rather a certificate of the Clerk of the court certifying to the destruction of the records by fire, and the affidavits in due form of two persons who were present at the time of the marriage of Andrew J. Bowman to his wife in support of the claim of Margaret Bowman, his daughter.

By the Commission: Evidence of the marriage of Andrew J. Bowman and Nancy J. Evans presented by applicant, received, filed, marked "Exhibit B", and made a part of the record in this case.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 12 day of February, 1903.

Charles T. Sawyer
Notary Public.

N. B. Chiver

To mud. Certif.

MM K 666

THE INTERIOR,
FIVE CIVILIZED TRIBES.
FILED
APR 1 1901

CHAIRMAN

Athol Ky Feby 28 - 1903

I am a practicing Physician of Athol Ky standing and have examined Nancy J. Bowman and find her in such a state of health that in making a trip from this place to Mt Sterling Ky. it may probably cause her serious injury or death

given under my hand the day and date afore written (S.) H. B. Oliver, M. D

Subscribed and sworn to before me by H B Oliver this 28 day of Feb. 1903

W. L. Lulis C. L. C. C.
By W. H. Branson D. C.

H. B. Oliver. M. D

Subscribed and sworn to in Our form of law before me This 7th day of March 1903.

J. Breech N. P. L. C.

My commission expires Feby 24-1903.

M.C.R. 6662
" 6663

Muskogee, Indian Territory, April 1, 1903.

Thomas A Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th ultimo, enclosing physician's certificate offered for filing in support of the Mississippi Choctaw case of Nancy J. Bowman, et al; also power of attorney of A.J. Bowman offered for filing in the Mississippi Choctaw case of Margaret Bowman, et al.

The same have been duly filed with the records in these respective cases.

Respectfully,

Commissioner in Charge.

M C R 6663

Muskogee, Indian Territory, November 5, 1903.

Andrew J. Bowman,

Monica, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your daughter, Margaret Bowman, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6663

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Andrew J. Bowman that he will be allowed thirty days from this date in which to submit further evidence in support of the application of his daughter, Margaret Bowman, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6663

Muskogee, Indian Territory, March 14, 1904.

Margaret Bowman,

Monica, Kentucky.

Dear Madam:

You are hereby advised that on March 14, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by Andrew J. Bowman for the identification as a Mississippi Choctaw of yourself, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6663.

Muskogee, Indian Territory, June 26, 1905.

Margaret Bowman,

Monica, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6663 No. 6663

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Margaret Bowman by Andrew J. Bowman (60)

Age 40 Blood 1/8

Post Office, Monroe La.

Father: Andrew J. Bowman dead

Mother: Nancy Jane " dead

Claims through Mother 1/4

Children:

Claim for daughter alone.

Stenographer W. A. Martin.

Margaret Bowman

DECISION RENDERED

COPY OF DECISION FORWARDED TO ATTORNEYS AND CHICAGO STATIONS.

NOTICE OF DECISION MAILED TO APPLICANT. JAN 13 1904

COPY OF DECISION MAILED TO ATTORNEYS

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED
SECRETARY OF THE INTERIOR

1905

RETURN TO M. C. R.

Choctaw MCR 6664

Matt Bowman

MCR 6664

#6664

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., February 6, 1903.

In the matter of the application of Matt Bowman for the identification of himself as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Matt Bowman being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Matt Bowman.
Q What is your age? A 32.
Q What is your post office address? A Monica, Kentucky.
Q How long have you lived in Kentucky? A Ever since I was born.
Q How long in Monica? A A lifetime; of course it has not been a post office that long, but I have lived right near the place.
Q Is your father Andrew J. Bowman? A Yes sir.
Q And your mother's name is what? A Nancy Jane Bowman or Nancy J. Bowman.
Q Your father has been before the Commission today and made application for your mother, Nancy J. Bowman under power of attorney? A Yes sir.

This application of Nancy J. Bowman, M. C. R. 6662, is referred to.

Q He also appeared for your sister, 6663, did he not? A Yes sir.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Your mother is one eighth? A One fourth.
Q She never has been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her nationality? A She is white.
Q What is your wife's name? A Callie Bowman.
Q You dont make any claim for your wife then? A No sir.
Q Have you any children you want to make application for? A No sir, no children.
Q Do you want to introduce this marriage license and certificate? A Yes sir.
Q Is this a copy? A Yes sir, I reckon it is; thats what I got it for.

Copy of the marriage license and certificate of the marriage of Matt Bowman and Callie Coomer presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A Not that I know of.
Q Do you now want to identify yourself as a Mississippi Choctaw? A Why yes, I reckon I do; thats what I am here for.
Q Do you claim under article 14 of the treaty of 1830? A I claim under John Harper.

By Mr Harrison, attorney for applicant: Yes sir, thats what he claims under.

By the Commission:
Q Do you understand that article well enough to claim under it? A Well, I dont know whether I do or not.

The treaty of 1830 was made between the United States government and the Choctaw Indians in Mississippi at a place called Dancing Rabbit Creek on the 27th day of September of the years 1830. The object of the treaty was to get all of the Choctaw Indians to consent to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory; but all would not consent to go, and in order to protect the interests of those Indians who refused to go article 14 was drafted and put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, that is article 14 of the treaty of 1830; do you think you understand that now well enough to claim under it as read and explained to you? A Why, I dont know hardly what to say about it.

By Mr Harrison:
Q Thats what I explained to you this morning? A Is that what Harper claimed under?
Q Yes? A Well thats the claim I claim under.

By the Commission:

Q What I want to know is do you know the meaning and purport of that article well enough to make your claim now? A I think I do.

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of the treaty of 1830? A How?

Q Did any of your Choctaw ancestors comply or attempt to comply with article 14 of the treaty of 1830? A No sir, not that I know of.

Q What is the name of your Choctaw ancestor under which you make this claim to be identified as a Mississippi Choctaw? A John Harper and Mary Ann Harper.

Q What relation to you? A My great great grandfather and mother I reckon.

Q How much Choctaw blood did John Harper have? A He was said to be a full blood.

Q How much did his wife have? A Full blood.

Q Do you know if any of your Choctaw ancestors lived in Mississippi or Alabama in the old Choctaw Nation in 1830? A No sir, I dont.

Q Did you ever hear that any of them lived in that old Choctaw Nation at any time? A No sir, I dont know that I ever did.

Q You dont know whether they went to Colonel Ward within six months after the ratification of the treaty of 1830 and claimed any benefits under article 14 of the treaty of 1830, or attempted to register under that article? A No, I dont know.

Q Did you ever hear that? A I have heard it said that Harper went to register, or claim, or whatever it might be.

Q What was done with this attempt? A He was refused in some way; the attorney or something was dropped.

Q Who was dropped? A The commissioner, whoever he went to, these people; I dont know what you call him, attorney or something.

Q You mean an attorney that he employed? A That he went to register under; the man that attended to the registering.

Q You mean the representative of the government? A I reckon you might call him that; I dont know what the name of him was; I heard he went to register, but didn't get to register on account of that.

Q Do you know when that was? A No sir, I dont know when it was.

Q Where was John Harper living then? A I couldn't tell you.

Q Did he ever live in Kentucky? A I couldn't tell you that.

Q You dont know whether he ever lived in Mississippi? A No sir, I dont know.

Q Did John Harper or his wife or any other Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land? A I couldn't tell you sir.

Q Did either claim any land under article 14 of the treaty of 1830 in the old Choctaw Nation? A I dont know that.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A Not that I know of.

Q Did any of your Choctaw ancestors go to the Choctaw Nation, Indian Territory, from the old Choctaw Nation at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know as they did.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.
Q Did any of them go before the Commission of 1837 or the Commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A Not that I know of.

These commissions were appointed, one by an act of Congress approved March 3rd, 1837, and the other by an act of Congress approved August 23rd, 1842, to hear the complaints of Choctaw Indians who claimed they had been before Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and had attempted to register under article 14 of that treaty, but whose names had not been registered by the Agent, and because their names were not put on Ward's registry list the government took the land from these Indians which they had occupied in the old Choctaw Nation, and sold it.

Q You dont know whether any of your Choctaw ancestors went before either of them? A No sir.
Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I couldn't tell.

This scrip was issued under an act of Congress approved August 23, 1842.

Q Do you speak the Choctaw language? A I dont think I do.
Q You know you dont, dont you? A Yes sir, I know I dont; I never saw one; if I ever saw a Choctaw Indian it was since I came out here and I didn't know it.

30 days time is allowed this applicant in which to submit other proof in this case.

By Mr Harrison, attorny for applicant:
Q Did you ever hear that John Harper owned a home in Mississippi? A No sir, I never did that I know of.
Q Did you ever hear of his making a trip back to Mississippi for the purpose of getting land as a Choctaw Indian? A Do you mean going back there to register for land?
Q Yes? A Yes sir, I have heard some talk of it.
Q Do you remember when that was? A No sir, I dont. I have heard it said he rode horseback; I have studied how he ever got back horseback, it was so far off; I have rode four or five days on a train to come here, and like to never got here; I dont know how Harper ever got there on horseback.
Q Did you ever hear that John Harper and his wife at any time lived in the state of Mississippi? A I dont think I ever did.

By the Commission:
Q Are you related to Christopher C. Hanks? A Christopher C. Hanks?
Q Yes? A Yes sir.
Q What relation is he to you? A Well, I reckon we are cousins.
Q Are you related to Jasper Chambers? A Yes sir, I reckon I am related to him. I believe my mother and him was half brother and sister, if I mistake not.

Matt Bowman------5.

The case of Jasper Chambers, M. C. R. 5670, is referred to in this connection; also the case of Christopher C. Hanks, M. C. R. 6508, and the case of Charles E. Duff, M. C. R. 65 63, as the cases of those claiming through the same common ancestor.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair, ruddy complexion, dark brown mustache; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 14 day of February, 1903.

Charles K. Sawyer

Notary Public.

M.C.R.6664.

Muskogee, Indian Territory, November 5, 1903.

Matt Bowman,

Monica, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6664.

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Matt Bowman that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6664

Muskogee, Indian Territory, March 14, 1904.

Matt Bowman,

Monica, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of said decision, and at the expiration of that time will be transmitted together with such brief and argument as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6664.

Muskogee, Indian Territory, June 26, 1905.

Matt Bowman,

Monica, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commissn on refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6 to 6 4 No. 6664

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Matt Bowman.

Age 32 Blood 1/8

Post Office, Monica. Ky.

Father: Andrew J. Bowman, C.

Mother: Nancy J. " C

Claims through mother 1/4

wife.

Callie Bowman, C. W

No claim for wife.

Children:

Claim for one child

Stenographer W. H. Martin

REFUSED

FOR IDENTIFICATION

& MISSISSIPPI CHOCTAW

R. 466

Math. Bowman

DECISION RENDERED MAR 4 1904

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY

SECRETARY

MAR 20 1905

ASSISTANT SECRETARY

NOTICE OF DEPARTMENT ACTION

Choctaw MCR 6665

William H. Evans

MCR 6665

#6665.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 6, 1903.

In the matter of the application of William H. Evans for the identification of himself and his three minor children, Effie, Samuel, and Henry Evans, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

William H. Evans being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A William H. Evans.
Q What is your age? A 32.
Q What is your post office address? A Fillmore, Kentucky.
Q How long have you lived in Kentucky? A All my life.
Q How long in Fillmore? A About three years.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your fathers name? A Henry Evans.
Q What is your mother's name? A Paulina Evans.
Q Do you claim your Choctaw blood through your father or mother? A Father.
Q How much Choctaw blood do you claim? A One eighth.
Q Do you claim he was one quarter? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Have you the proof of the marriage of your father and mother here now? A No sir.
Q Do you know when and where they were married? A No sir.
Q By a minister under a license? A Yes sir, I guess they was.
Q Are you married? A Yes sir.
Q What is your wife's name? A Winnie Lucas.
Q She is living and she is an Indian? A My wife is dead.
Q Was she an Indian? A No sir, a white woman.
Q Was she the mother of these children you wish to appli for? A Yes sir.
Q Are you married again? A Yes sir.
Q Have you any children by your second wife? A No sir.
Q What is the name of your second wife? A America.
Q She is living? A Yes sir.
Q What is her nationality? A White.
Q Do you make any claim for her? A No sir.
Q Now, give me the name of the oldest child? A Effie.
Q How old is she? A 10 years old.
Q The next? A Sam.

By Mr Harrison, attorney for applicant:
Q Is that Sam or Samuel? A Well, Samuel.

By the Commission:
Q How old is Samuel? A 8.

Q The next? A Henry.
Q How old? A 7.
Q Is that all? A Yes sir.
Q Are all these children by your first wife? A Yes sir.
Q Winnie Evans, your first wife, was the mother of these children? A Yes sir.
Q When and where were you married to her? A We were married in '91, I believe in December.
Q What day of the month? A 17th I believe.
Q Whereabouts? A In Lee County, Kentucky.
Q By a minister under a license or a Justice? A A Justice of the Peace.
Q Have you the proof of your marriage with you? A Yes sir.
Q Do you wish to file it? A Yes sir (Presents a paper).

Certified copy of the marriage license and certificate of marriage of William H. Evans and Winnie Lucas presented by applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

Q Have you the proof of your marriage to your second wife here? A No sir.
Q When and where were you married to her? A I dont know that I can tell you the date.
Q What year? A I dont know that I can tell you; I have got it somewhere or another.
Q It must have been within a year or two? A On October 19, 1896 I guess it was,- probably '97, one year or the other.
Q You have no children by your second wife? A No sir, no children.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you and your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.
Q You understand that article? A Well I have heard you repeat it here several times.
Q You have heard that explained and repeated a number of times? A Yes sir.
Q You understand it well enough to know its general provisions? A Yes sir.

Now, it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred

and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A No sir, not that I know of.
Q What is the name of your ancestor, or what are the names of your ancestors, through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper and wife.
Q What was his wife's full name? A Mary Ann Harper.
Q Did both have Choctaw blood? A Yes sir.
Q How much? A Full blood, I suppose.
Q What relation was John Harper to you? A My great great grandfather I suppose.
Q And she was your great great grandmother? A Yes sir, I suppose so.
Q You claim through your father, Henry Evans? A Yes sir.
Q He claimed through which parent? A Mother.
Q What was her name? A Lucinda Hanks and she married an Evans.
Q She claimed through which parent? A Mother I suppose.
Q What was her name? A It must have been Hanks,-- Hanks I reckon.
Q Was it Lucinda, Lucretia, Mary, or what? A I dont remember.
Q Well, she claimed through whom, father or mother? A Her mother, I suppose.
Q What was her name? A I couldn't tell you; I dont know.
Q Do you know whether she claimed through her father or mother, this last one? A Through her father I guess.
Q What was his name? A John Harper I suppose.
Q And his wife? A Mary Ann---- Lydia I think probably was the name.
Q Was her maiden nameLydia Harper? A I guess it was.
Q Do you know whether any of your Choctaw ancestors lived in Mississippi or Alabama in 1830 and were the heads of families there then? A No sir, I dont know.
Q Did they live in Mississippi or Alabama at any time? A I suppose John Harper did; I dont know.
Q What makes you think he did? A What I have heard is all I know.
Q Did you ever hear he lived in Mississippi? A Yes sir.
Q Where in Mississippi? A I dont know.
Q What years did he live there? A I dont know.
Q Where did he live in not in Mississippi? A In Kentucky.
Q Was he born in Kentucky? A No sir.
Q Where was he born? A I dont know.
Q Where did he die? A In Kentucky I suppose.
Q Did his wife die in Kentuck? A I dont know, I reckon she did.
Q Now, do you know whether John Harper or his wife, or any other Choctaw ancestor of yours, went to Colonel Ward, who was the United States Indian Agent, wihin six months after the ratification of the treaty of 1830, and attempt to register under

article 14 of that treaty? A No sir, I dont. I suppose Harper did.

Q Do you know whether any of them lived on land in that old Choctaw Nation in Mississippi or Alabama for five years, and then get a patent from the government for that land? A No sir, I dont know.

Q Did any of them claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.

Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A Not that I know of.

Q Did any of them go at any other time between the ratification of the treaty of 1830, and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A Not that I know of.

Q Did any of them claim or own any improvements on land in the old Choctaw Nation in 1830 or 1831? A Not that I know of.

In 1837 and also in 1842, by various acts of Congress, commissions were appointed, which commissions went to Mississippi and heard claimants under article 14 of the treaty of 1830. These commissions were appointed because of the complaints of Choctaw Indians who went to Colonel Ward, or said that they did, within six months after the treaty of 1830 was ratified, and registered or attempted to register under article 14 of that treaty, but whose names Colonel Ward neglected or refused to put on his registry list, now known as Ward's Register. Because of his neglect to do this these Choctaw Indians had their land taken from them in the old Choctaw Nation and sold by the government.

Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits as Choctaw Indians under article 14 of that treaty? A Not that I know of.

Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842.

Q Do you speak or understand the Choctaw language? A No sir.

Q Are you related to Jasper Chambers? A Yes sir.

Q Also to Christopher C. Hanks? A Yes sir.

Q Do you want to have their cases referred to in this case of yours? A Yes sir.

The cases of Jasper Chambers, M. C. R. 5670, Christopher C. Hanks, M. C. R. 6508, and Charles E. Duff, M. C. R. 6563, are referred to as applicants claiming through the same common ancestors.

By Mr Harrison, attorney for applicant:

Q Did you ever hear any of the members of your family, the older people, talk about John Harper? A Yes sir.

Q Did you ever hear anybody say anything about John Harper being an Indian? A Yes sir, I have heard it talked about some.

Q What kind of an Indian did you understand him to be? A Full blood.
Q What tribe? A Mississippi Choctaw.
Q Who was his wife? A Mary Ann Harper.
Q Do you know how many children they had? A Two I think.
Q What were their names? A Lydia and,-----I forget the others name.
Q Was it Polly? A Yes sir, thats it.
Q Was Lydia married? A Yes sir.
Q Whom did she marry? A A Hanks.
Q Do you remember the full name? A No sir.
Q Was it Fielden Hanks? A Yes sir, thats it.
Q Who was Lucinda Hanks? A A grandmother of mine.
Q Daughter of whom? A Of this Fielden Hanks.
Q Whom did she marry? A Evans, Henry Evans.
Q What was your mother's name? A She was a Crawford, Paulina Crawford.
Q Did you ever hear anything about your ancestor, Harper, being in Mississippi in 1830, or at any other time, trying to get land as a Choctaw Indian? A Yes sir, I have heard such talk.
Q Did you ever hear of him owning a home in Mississippi? A Yes sir, I think I have.
Q Now, when was that? A Well, I couldn't tell you.
Q Was it before or after 1830? A I dont know.
Q Probably you have heard; have you heard it was before or after? A I never paid any attention to it if I did hear.
Q You dont know a great deal of your family history? A No sir, very little.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair, blue eyes, ruddy complexion; does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

30 days time is allowed this applicant for the introduction of other testimony in support of this claim.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribeshe recorded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 12 day of February, 1903.

Charles H. Sawyer

Notary Public.

M C R 6665

Muskogee, Indian Territory, November 5, 1903.

William H. Evans,

Fillmore, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6665

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified William H. Evans that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R6665

Muskogee, Indian Territory, March 14, 1904.

William H. Evans,

Fillmore, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al ., of which the application made by you for the identification as Mississippi Choctaws of yourself and three minor children, Effie, Samuel and Henry Evans, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6665.

Muskogee, Indian Territory, June 26, 1905.

William H. Evans,

Fillmore, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commisd on refusing the applications for identification as Mississippi Chootaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6665 No. 6665

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name William H. Evans

Age 32 Blood 1/8

Post Office, Fillmore, Ky.

Father: Henry Evans, d

Mother: Paulina " " d

Claims through father, 1/4

Wife (1)

Winnie Evans d. w.

wife (2)

America " l. w

No claim for wife.

Children:

Effie Evans, 10

Samuel " 8

Henry " 7

Children by first wife -

claim for each

children

Stenographer W.H. Martin

RETURNED

R. [illegible]

William H. Ev[illegible]

DECISION RE[illegible]

COPY OF DEC[illegible] FORWARDED
ATTORNEY [illegible] CHOCTAW AND
CHICKASAW NATIONS.

NOTICE OF DECISION [illegible] APPLICANT. [illegible] 1904

COPY [illegible]
ATTORNEY [illegible] 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPR[illegible]
SECRETA[illegible]

MA[illegible]

JU[illegible]

Choctaw MCR 6666

Jesse W. Cooper

MCR 6666

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jesse W. Cooper, et al., for identification as Mississippi Chootaws, consolidating the applications of:

Jesse W. Cooper, et al.,	M.C.R. 6666
Lena Harris, et al.,	M.C.R. 7264

I N D E X

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of Jesse W. Cooper, et al., before the Commission to the Five Civilized Tribes for identification as Mississippi Chootaws,	1
Original application of Lena Harris, et al., before the Commission to the Five Civilized Tribes for identification as Mississippi Chootaws,	5
Decision of the Commission refusing the applications in the consolidated application of Jesse W. Cooper, et al. for identification as Mississippi Chootaws,	9

#6666.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 6, 1903.

In the matter of the application of Jesse W. Cooper for the identification of himself and his nine children, Margaret, Eliza, Jessie, Isaac, Annie, Everett, Rogers, Ruth, and James Cooper, as Mississippi Choctaws.

A. W. Jones, Agent for applicants.

Jesse W. Cooper being duly sworn on oath testifies as follows:

Examination by the Commission.

Q What is your name? A Jesse W. Cooper.
Q What is your age? A 45.
Q What is your post office address? A Pittsburg, Texas.
Q How long have you lived in Texas? A Why sir, about 30 years.
Q Where were you born? A In Arkansas.
Q And went from Arkansas to Texas, and lived in Pittsburg how long? A About 30 years in that county.
Q Is your father living? A He is.
Q Is your mother living? A She is.
Q What is your father's name? A Charlie Cooper.
Q What is your mother's name? A Eliza Cooper.
Q Do you claim your Choctaw blood through your father or mother? A My mother.
Q Not through your father? A No sir.
Q How much Choctaw blood do you claim? A About one fourth.
Q You claim your mother was onehalf Choctaw? A I do.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q What is your father's blood? A He is African.
Q And your mother has one half colored blood? A Yes sir.
Q You dont claim any white blood? A I do not.
Q Yours is three quarters Negro and one quarter Choctaw blood? A Yes sir.
Q Were your parents slaves at any time? A They were.
Q And were you? A Yes sir.
Q All were liberated by the act of emancipation? A Yes sir.
Q Is your wife living? A She is.
Q What is her nationality? A Why, she to the best of my knowledge is part Indian too.
Q Do you make any claim for your wife? A I do not.
Q You claim she is part Indian and part Negro? A Yes sir.
Q But you dont make any claim for her? A No sir.
Q What is her name? A Mollie Cooper.
Q Give me the names of your children under age and unmarried, beginning with the oldest? A Margaret.
Q How old is Margaret? A She will be 13 this coming February.
A She is 13 now? A Yes sir.

Q What is the name of the next? A Eliza.
Q How old? A The same; they are twins.
Q The next? A Jessie.
Q A boy? A Girl, s-i-e.
Q How old? A She is 10 now.
Q The next? A Isaac.
Q How old? A 9.
Q The next? A Annie.
Q How old? A 8.
Q The next? A Everett.
Q How old? A 5 I guess.
Q The next? A Rogers.
Q How old? A 3.
Q The next? A Ruth.
Q How old? A She's 2.
Q The next? A Jimmie, or James, we call him Jimmie.
Q Ho wold? A 4 or 5 months old.
Q Thats all you have at present to present? A I think so; thats all; there is two more but they are over age.
Q Is Mollie Cooper the mother of all these children? A She is.
Q Are you and she living together as husband and wife and these children living with you at your home? A They are and we are.
Q Have you got your marriage license and certificate with you? A I have not.
Q When were you married to her? A '89, June 6th.
Q By a minister under a license? A Yes sir.
Q Where? A At her father's house.
Q What place? A In Camp County, Texas.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A I have not.
Q Have you ever been admitted to citizenship with your children in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A I have not.
Q Do you now come before the Commission to be identified with these children as Mississippi Choctaws? A I do.
Q Do you claim under article 14 of the treaty of 1830? A I do.
Q You understand that well enough to claim under it do you? A Yes sir, in part.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living within him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in

that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article 14 of the treaty of 1830? AI do not.
Q What is the name of your ancestor through whom you make your claim now? A Virginia Phillips.
Q What relation was she to you? A She was my grandmother.
Q Whom did she marry? A She married a Phillips.
Q Do you know his full name? A I do not.
Q What was her maiden name? A I dont remember hearing my mother say.
Q Is that as far back as you can go? A Yes sir.
Q Where did she live? A She lived at Holly Springs in Mississippi, in that county.
Q Did she live there 73 years ago? A She did.
Q Did she have a family of children living there with her in 1830? A She did.
Q Was she a slave at that time? A No sir,I think not.
Q How much Choctaw blood did she have? A She claimed full blood.
Q And was her husband a Choctaw Indian or what was he? I do not know.
Q You dont know anything about her husband? A No sir, I do not know.
Q Did she go to Colonel Ward within six months after the treaty of 1830 was ratified, and tell this agent of the United States that she wanted to register under article 14 of the treaty of 1830? A Not that I know of.
Q Did she occupy any land or claim any land in Mississippi or Alabama and live on it for five years and then get a patent from the government? A I think not.
Q Did she claim any land,there under article 14 of the treaty of 1830? A Not that I know of.
Q Did she go from the Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A She died over in Marshall county somewhere in Mississippi.
Q Then she did not go from that old Choctaw Nation at all? A No sir.
Q Or did any other Choctaw ancestor of yours go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today? A Not that I know of.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know.
Q Did any of them go before the Commission appointed by act of Congress approved March 3rd, 1837, or the Commission appointed by act of Congress approved August 23rd, 1842, and claim any benefits under article 14 of that treaty? A Not that I know of.

These Commissions were appointed by various acts of Congress because of the Complaints of Indians who stated that they had gone to Colonel Ward within six months after the treaty of 1830 was ratified and attempted to register under article 14 of that treaty, but because Colonel Ward refused to take

their names for registration they lost their lands which they occupied in the old Choctaw Nation, for they were taken from them by the government and sold at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842.

Q Do you speak or understand the Choctaw language? A No sir, I speak English.
Q Did your mother speak Choctaw? A No sir.
Q Did her mother? A She did.
Q Did you ever see your grandmother, Virginia Phillips? A I have.

30 days time is allowed this applicant in which to introduce other evidence in support of this claim, if he desires.

This applicant has the appearance and physical characteristics of being descended from Negro parentage; he does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 11 day of February, 1903.

Charles R. Lawyer

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jesse W. Cooper, et al. for identification as Mississippi Choctaws, consolidating the applications of:

Jesse W. Cooper, et al.,	M.C.R. 6666
Lena Harris, et al.,	M.C.R. 7264

D E C I S I O N .

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Jesse W. Cooper for himself and his nine minor children, Margaret, Eliza, Jessie, Isaac, Annie, Everett, Rogers, Ruth and James Cooper, and by Lena Harris for herself and her two minor children, Timothy and Beatrice Harris, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Virginia Phillips, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty and to persons who heretofore were claimants thereunder that the said Virginia Phillips signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Jesse W. Cooper, Margaret Cooper, Eliza Cooper, Jessie Cooper, Isaac Cooper, Annie Cooper, Everett Cooper, Rogers Cooper, Ruth Cooper, James Cooper, Lena Harris, Timothy Harris and Beatrice Harris, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breathitt.
Commissioner.

(SIGNED) W. E. Hamilton.
Commissioner.

Muskogee, Indian Territory,
AUG 4 1903

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
April 11, 1903.

-:-

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the following Mississippi Choctaw Cases:

Jesse W. Cooper, et al.,	M C R	6666
James Albert Floyd, et al.,	"	6667
Isaac Molond, et al.,	"	7145
Richard Bolton, et al.,	"	7146
Robert A. Caldwell, et al.,	"	7404
Cornelia A. Smith,	"	6642
Also copy of testimony of Solomon Carr and J. B. Bickerstaff in	"	6642

J. A. Mundy
Atty for Dawes

M C R
7145 6667
7146 6666

Muskogee, Indian Territory, May 11, 1903.

J. A. Hurley,

Sulphur Springs, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, returning to this Commission copies of testimony in the following Mississippi Choctaw cases:

Isaac Molond,	M C R 7145
James Albert Floyd,	M C R 6667
Richard Bolton,	M C R 7146
Jessie W. Cooper,	M C R 6666.

Respectfully,

Commissioner in Charge.

Ltr 13292
Returns to act
in Allotment
Cases

M C R 6666

COPY

Muskogee, Indian Territory, August 4, 1903.

Jesse W. Cooper,

Pittsburg, Texas.

Dear Sir:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse W. Cooper, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse W. Cooper, et al., M C R. 6666
Lena Harris, et al., M C R. 7264

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse W. Cooper, Margaret Cooper, Eliza Cooper, Jessie Cooper, Isaac Cooper, Annie Cooper, Everett Cooper, Rogers Cooper, Ruth Cooper, James Cooper, Lena Harris, Timothy Harris and Beatrice Harris, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

J W C 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SGNED) T. B. Needles.

Register.

Commissioner in Charge.

M C R [illegible]

Copy.

Muskogee, Indian Territory, August 4, 1903.

. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse W. Cooper, et al., embracing the following applications for identification as Mississippi Chootaws.

Jesse W. Cooper, et al., . M C R 6666
Lena Harris, et al., M C R 7264

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse W. Cooper, Margaret Cooper, Eliza Cooper, Jessie Cooper, Isaac Cooper, Annie Cooper, Everett Cooper, Rogers Cooper, Ruth Cooper, James Cooper, Lena Harris, Timothy Harris and Beatrice Harris, as Chootaw Indians entitled to rights in the Choctaw lands under the

S W X

provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED)

T. B. Needles.

Register

Commissioner in Charge.

M C R 6666

Copy.

Muskogee, Indian Territory, August 4, 1903.

A. W. Jones Agent.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse . Cooper, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse W. Cooper, et al., M C R 6666
Lena Harris, et al., M C R 7264

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse W. Cooper, Margaret Cooper, Eliza Cooper, Jessie Cooper, Isaac Cooper, Annie Cooper, Everett Cooper, Rogers Cooper, Ruth Cooper, James Cooper, Lena Harris, Timothy Harris and Beatrice Harris, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

A W J 2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Register.

M C R 6666

COPY.

Muskogee, Indian Territory, August 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse W. Cooper, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse W. Cooper, et al., M C R 6666
Lena Harris, et al., M C R 7264

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse W. Cooper, Margaret Cooper, Eliza Cooper, Jessie Cooper, Isaac Cooper, Annie Cooper, Everett Cooper, Rogers Cooper, Ruth Cooper, James Cooper, Lena Harris, Timothy Harris and Beatrice Harris, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.

Commissioner in Charge.

(Copy)

Muskogee, Indian Territory, August 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Jesse W. Cooper, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 4, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Jesse W. Cooper, et al.,	M.C.R. 6666
Lena Harris, et al.,	M.C.R. 7264.

The Commission has the honor to report that the principal applicants in the several separate applications, their agent, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(signed) T. B. NEEDLES,
Commissioner in Charge.

Through the Commissioner of Indian Affairs.
2 Enc. M.C.R. 6666.

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Oct. 30, 1903.

Land.
54,344-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Jessie W. Cooper for the identification of himself and his nine minor children, Margaret, Eliza, Jessie, Isaac, Annie, Everett, Roger, Ruth and James Cooper, and by Lena Harris for herself and her two minor children, Timothy and Beatrice Harris, as Mississippi Choctaws, a decision rejecting the applicants having been entered in this case by the commission on August 4, 1903.

The record in this case shows that the applicants predicate their claims to a right to identification on their descent from Virginia Phillips who is alleged to have been a full blood Choctaw Indian, her maiden name being unknown, she having been a resident of Holly Springs, Mississippi, in 1830, having lived therethroughout her life and theredied. The witnesses are unable to give any information as to whether she complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The Commission rejecting the applicants for the reason that its records failed to show that the ancestor named complied with the provisions of the 14th article of the Choctaw treaty of 1830, or the subsequent act legislation relative thereto.

An examination of the records of this office has been made with reference to the name of Virginia Phillips, and it is discovered that her name does not appear among the names of those Choctaw Indians who were beneficiaries under the 14th article of the Choctaw treaty of 1830 or subsequent legislation relative thereto.

I therefore recommend that the decision of the commission rejecting these applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner.

(E.B.H.)P.

(COPY).

W.C.H.
F.H.E.

DEPARTMENT OF THE INTERIOR,

D.C. 32877.
I.T.D.7802-1903.
L.R.S.

WASHINGTON, November 23, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indina Territory.

Gentlemen:

August 20, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Jessie W. Cooper for himself and his nine children, Margaret, Eliza, Jessie, Isaac, Annie, Everett, Rogers Ruth and James Cooper, and of Lena Harris for herself and her two minor children, Timothy and Beatrice Harris, including your decision of August 4, 1903, refusing to identify them as such .

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Virginia Phillips, grandmother of the principal applicant, her maiden name being unknown. It is alleged that said ancestor was a full blood Choctaw Indian and a resident of Mississippi in 1830, having lived there all her life.

The evidence furnished by the record, as well as the records of the Indian Office, fails to show that said ancestor complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or of the subsequent acts of Congress relating thereto.

Reporting October 30, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision rejecting the applicants is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 6666.

Muskogee, Indian Territory, December 3, 1903.

Jesse W. Cooper,

Gibson Station, Indian Territory.

Dear Sir:

You are hereby notified that on the 25rd day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse W. Cooper et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M.C.R.6666.

Muskogee, Indian Territory, December 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 23rd day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse W. Cooper et al., of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 6666.

Muskogee, Indian Territory, December 3, 1903.

7

S. W. Isaac,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 23rd day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse W. Cooper et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M.C.R.6666.

Muskogee, Indian Territory, December 3, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 23rd day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse W. Cooper et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

REFER TO M. C. R.

Virginia Phillips, f.b.
husband
——— negro

Eliza Cooper, 1/2 L
slave
husband
Charlie Cooper, L
negro slave

Jesse W Cooper, 45 1/4
slave
wife
Mollie Cooper, negro

- Margaret Cooper, 12.
- Eliza Cooper, 12.
- Jessie Cooper, 10
- Isaac Cooper, 9
- Annie Cooper, 8
- Everett Cooper, 5
- Rogers Cooper, 3
- Ruth Cooper, 2
- James Cooper, 4 mos.

Lena Cooper, 27 1/4
married
Henry Harris, negro

- Timothy Harris, 7
- Beatrice Harris, 4.

6666 No. 66666

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Jesse W. Cooper

Age 45. Blood 1/4

Post Office, Pittsburg, Tex.

Father: Charlie Cooper. D.

Mother: Eliza " D.

Claims through mother 1/2 —

Wife

Mollie Cooper, D. neg.

No claim for wife —

Children:

Margaret Cooper.			12.
Eliza	"		12
Jessie	"	F	10
Isaac	"		9
Annie	"		8
Everett	"		5
Rogers	"		3
Ruth	"		2.
Jimmie or James.	"		4 m.

Claims for self & 9 minors —

Stenographer W. A. Martin

Jose. W. Cooper et-

Choctaw MCR 6667

James A. Floyd

MCR 6667

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of James Albert Floyd, et al., for identification as Mississippi Choctaws, M.C.R. 6667.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of James Albert Floyd, et al., to the Dawes Commission for identification as Mississippi Choctaws----------	1
Decision of the Commission refusing the application of James Albert Floyd, et al., for identification as Mississippi Choctaws----------	5

---o---

#6667.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 6, 1903.

In the matter of the application of James Albert Floyd for the identification of himself and his minor child, Roscoe Floyd, as Mississippi Choctaws.

A. W. Jones, Agent for Applicants.

James Albert Floyd being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A James Albert Floyd.
Q What is your age? A I will be 35 the 18th of next month.
Q 34 now? A Yes sir.
Q What is your post office address? A Pittsburg, Texas.
Q How long have you lived in Texas? A Always.
Q Born there? A Yes sir.
Q And in Pittsburg how long? A Lived in Pittsburg three years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Manuel Floyd.
Q And your mother's name was what? A Catherine Floyd.
Q Do you claim through your father or mother? A My mother.
Q How much Choctaw blood do you claim? A Why, my mother I suppose was about three quarters.
Q How do you know how much one half of that would be? A Well, yes sir, something nearabout it.
Q Tell me how much? A One half of three quarters would be about--
Q One half of three would be three eighth, and you claim one half of what your mother had? A Yes sir.
Q Do you claim three eighth? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your wife living? A Yes sir.
Q Is she a Choctaw Indian? A Her blood is Negro.
Q Do you make any claim for your wife? A No sir, none.
Q What is her name? A Mattie Ann Floyd.
Q What was your father's blood? A He was negro.
Q And your mother's blood was what? A Choctaw Indian.
Q And what else? A Well——
Q White or colored? A Negro.
Q She was Negro and Choctaw? A Yes sir.
Q Now, were your father and mother slaves at any time? A Yes sir.
Q You were not born until after the war? A No sir, I wasn't born until after emancipation.
Q How many children have you that you want to make application for? A One.
Q What is its name? A Roscoe Floyd.

Q How old is he? A Four years old.
Q Is Mattie Ann Floyd the mother of Roscoe? A Yes sir.
Q Have you the proof of the marriage between yourself and your wife here now? A No sir, I have not.
Q When and where were you married to her? A In Smith County, Texas, the 30th day of November, 1893.
Q By a minister under a license? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A I have not.
Q Have you ever made any such application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with this child to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and this child as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article well enough to claim under it? A Partly so.
Q Do you want an explanation of that article? A Why, I wouldn't care.

The treaty of 1830 was made between the United States government and the Choctaw Nation at a place in Mississippi Called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to get the consent of the Choctaw Indians to remove from the Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 wasput into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in tat case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A I do not.
Q What is the name of your ancestor that you claim through now? A My grandfather was Wiley Jones.
Q What relation was Wiley Jones to you? A My mother's father, my grandfather.
Q Did your mother get any Choctaw blood from Wiley Jones's wife? A Yes sir.
Q How much? A I dont know about that.
Q What was her name? A Patsey.
Q Patsey what? A I dont know the other.
Q Was it Patsey Jones? A Yes sir.
Q Were they married, do you know? A Yes sir.
Q Were they slaves at any time? A My grandmother was but he wasn't.
Q Now Wiley Jones had how much Choctaw blood? A He was whole.
Q How much did Patsey have? A I really dont know so much about that.
Q Did your mother claim her Choctaw blood through both of them? A She gets her blood especially through her father.
Q But her mother was a slave? A Yes sir.
Q How about Wiley? A She said he wasn't.
Q Did either of them live in Mississippi in 1830, and were they living together then as man and wife with a family? A Yes sir.
Q Did either of them go to Colonel Ward, who was United States Indian Agent, and tell him, within six months after the ratification of the treaty of 1830, that they wanted to stay in Mississippi, take land there, and become citizens of the States? A I dont know how about that.
Q Did either live on land in Mississippi for five years ad then get a deed or patent of that land from the government under article 14 of the treaty of 1830? A No sir.
Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A How is that?
Q Did either of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A Either one of them?
Q Yes? A Not that I know of.
Q Did any Choctaw ancestor of yours go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation, Indian Territory, with the other Indians between 1837 and 1838 or '40? A Not that I know of.
Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any tme between the ratification of the treaty of 1830, and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A Not that I know of.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830, or 1831? A I dont know sir.
Q Did any of them go before the Commission of 1837 or the Commission of 1843, and claim any benefits under article 14 of the treaty of 1830? A I dont know sir.

These Commissions were appointed by various acts of congress, one by a commission appointed by act of Congress approved March 3, 1837, and the other appointed by act of Congress approved August 23, 1842, because of the complaints of Choctaw

Indians who stated that they had been before Colonel Ward and tried to register under article 14 of the treaty of 1830, but that Colonel Ward refused to put their names on his registry list, and because of his refusal their land was taken from them in the old Choctaw Nation by the government and sold.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi-Alabama, Louisiana or Arkansas, to take the place of land they had formerly held in the old Choctaw Nation, which the government had take n fromthem and sold? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold bythe government.

Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any relatives who have been before the Commission to be identifed as Mississipi Choctaws? A No sir.

30 days time is allowed this applicant within which to offer any other additional evidence he may desire in support of this claim.

By A W Jones, Agent for applicant:
Q Mr Floyd, you say that Wiley Jones was your grandfather? A A I did.
Q Where did he live in 1830? A In Mississippi.
Q Did he own any land there? A Why I dont know.
Q Did hehave a family there at that time? A Yes sir.
Q Living in Mississippi? A Yes sir.
Q How did you come to know that he was your grandfather? A My mother.
Q Was he a full blooded Choctaw Indian? A So my mother said.
Q That is your grandfather, according tothe statement of your mother? A Yes sir.
Q Thats all you know about this? A Thats all I know.

By the Commission: This applicant has the appearance and physical characteristics of being descended from Negro parentage. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 11 day of February, 1903.

Charles H Lawyer

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of James Albert Floyd, et al., for identification as Mississippi Choctaws, M.C.R. 6667.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by James Albert Floyd for himself and his minor child, Roscoe Floyd, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Wiley Jones, who is alleged to have been a full-blood Choctaw Indian, and Patsey Jones, who is alleged to have been a Choctaw Indian, degree of blood not stated, and both to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Wiley Jones, or Patsey Jones, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James

Albert Floyd and Roscoe Floyd, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,
AUG 3 1903

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
April 11, 1903.

-:-

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the following Mississippi Choctaw Cases:

Jesse W. Cooper, et al.,	M C R	6666
James Albert Floyd, et al.,	"	6667
Isaac Melond, et al.,	"	7145
Richard Bolton, et al.,	"	7146
Robert A. Caldwell, et al.,	"	7404
Cornelia A. Smith,	"	6642
Also copy of testimony of Solomon Carr and J. B. Bickerstaff in	"	6642

Atty for claimant

M C R
7145 6667
7146 6666

Muskogee, Indian Territory, May 11, 1903.

J. A. Marley,

Sulphur Springs, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, returning to this Commission copies of testimony in the following Mississippi Choctaw cases:

Isaac Noland,	M C R 7145
James Albert Floyd,	M C R 6667
Richard Bolton,	M C R 7146
Jessie W. Cooper,	M C R 6666.

Respectfully,

Commissioner in Charge.

M.C.R. 6667

COPY.

Muskogee, Indian Territory, August 3, 1903.

James Albert Floyd,

Pittsburg, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of James Albert Floyd, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

> "It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Albert Floyd and Roscoe Floyd, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

M.C.R. 6667

COPY.

Muskogee, Indian Territory, August 3, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of James Albert Floyd, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Albert Floyd and Roscoe Floyd, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants have been allowed fifteen days from the date hereof within which to file ar-

guments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Medlee.

Commissioner in Charge.

Registered.

COPY. M.C.R. 6667

Muskogee, Indian Territory, August 3, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of James Albert Floyd, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Albert Floyd and Roscoe Floyd, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of James Albert Floyd, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 3, 1903.

The Commission has the honor to report that the principal applicant herein his agent, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner
of Indian Affairs.
2 Enc. M.C.R. 6667.

SIGNED
T. B. Needles.
Commissioner in Charge.

-Copy-

DEPARTMENT OF THE INTERIOR,

Land.

53940-1903.

OFFICE OF INDIAN AFFAIRS,

Washington, November 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith for Departmental action the record in the application of James Albert Floyd, et al., M.C.R. 6667 for identification as Mississippi Choctaw Indians with the recommendation of this office therein.

Applicant, James Albert Floyd, whose Post Office address is Pittsburg, Texas, for himself and his minor child, Roscoe Floyd, claims rights in the Choctaw lands under the provisions of Article 14 of the Treaty of 1830 by reason of being a direct descendant of one Wiley Jones an alleged full-blood Choctaw Indian and his wife Patsey (maiden name unknown) an alleged Choctaw Indian woman, degree of blood not known, both residents of the state of Mississippi in 1830, and maternal grandparents of applicant, James Albert Floyd, who claims through his mother Cathrine Floyd, an alleged three-quarter blood Choctaw Indian, the daughter of the aforesaid Wiley Jones. Applicant, James Albert Floyd through such descent claims to be an one three-eights blood Choctaw Indian. A careful examination of the records of this office fail to disclose either that one Wiley Jones or his wife Patsey Jones or Cathrine Floyd, the names of the ancestors through whom applicants claim descent, ever complied

or attempted to comply with the provisions of Article 14 of the Treaty of 1830 or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the Acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513). The only evidence adduced in support of the above claim is the testimony of principal applicant himself whose only testimony given is purely hearsay evidence of which his mother told him. I am of opinion that the evidence adduced in support of this claim is wholly insufficient to identify either James Albert Floyd or Roscoe Floyd as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th Article of the Treaty of 1830 and I therefore recommend that the decision of the Commission of August 3, 1903, denying to them the right to be identified as such, be sustained.

Very respectfully,

A.C.Tonner

Acting Commissioner.

GR

C.

DEPARTMENT OF THE INTERIOR,

RAF.

D.C.43628-1904.
ITD.11206-1904.

WASHINGTON.

November 9, 1904.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your letter of August 19, 1903, transmitting the record in the matter of the application for identification of James Albert Floyd and Roscoe Floyd as Mississippi Choctaw Indians, including your decision of August 3, 1903, denying the application.

Reporting November 1, 1904, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his report is inclosed herewith.

Finding no reason to disturb your decision, the Department affirms the same.

Respectfully,

F. L. Campbell

Acting Secretary.

1 inclosure.

M.C.R. 6667

COPY.

Muskogee, Indian Territory, November 18, 1904.

James Albert Floyd,

Pittsburg, Texas,

Dear Sir:

You are hereby advised that on the 9th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Albert Floyd et al., of which decision you were advised by registered mail on the 3d day of August, 1903.

Respectfully,

SIGNED

Tams Bixby

Chairman.

M.C.R. 6667

COPY.

Muskogee, Indian Territory, November 18, 1904.

J. A. Hurley,

Attorney at Law,

Sulphur Springs, Texas,

Dear Sir:

You are hereby notified that on the 9th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered August 3, 1903, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Albert Floyd et al.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

M.C.R. 6667

COPY.

Muskogee, Indian Territory, November 18, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 9th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Albert Floyd et al., of which decision you were advised by mail on the 3d day of August, 1903.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

6667

No. 6667

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name James A. Floyd

Age 34 - Blood 3/8

Post Office, Pittsburg, Ind. T.

Father: Manuel Floyd, d

Mother: Catherine " d

Claims through mother 3/4 -

Wife,

Mattie A. Floyd. l. neg.

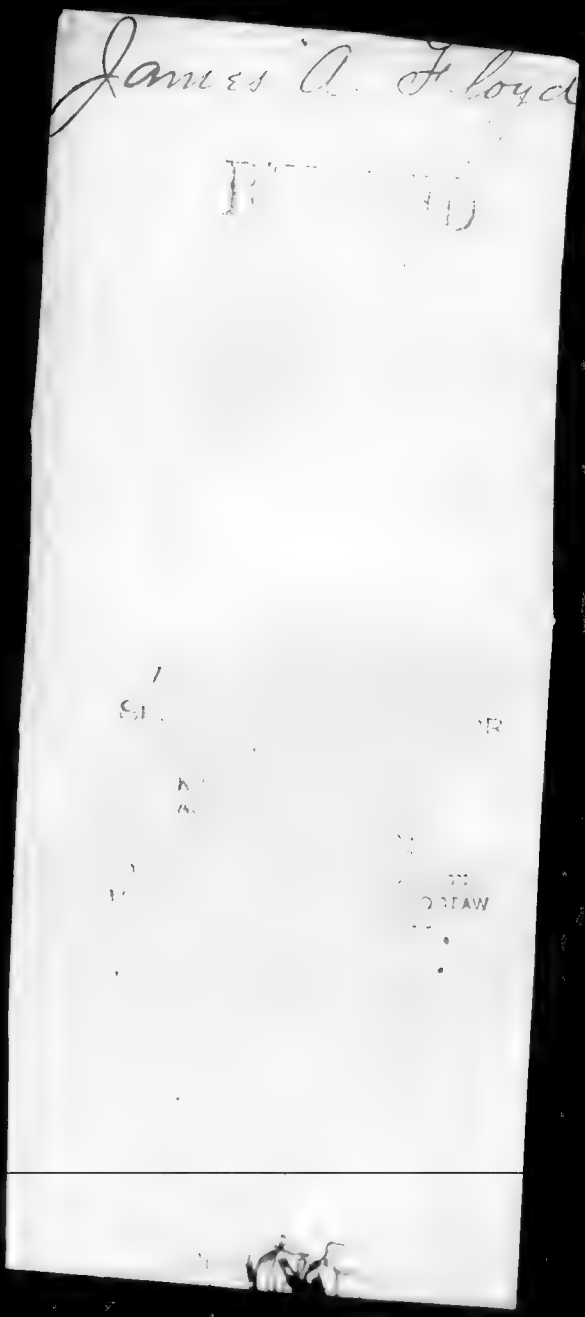
No claim for annuity.

Children:

Roscoe Floyd. 4

Claims for land and 1 share.

Stenographer W.M. Martin


James A. Floyd

Choctaw MCR 6668

Patsey Jamison

1

MCR 6668

#6668.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 6, 1903.

In the matter of the application of Patsey Jamison for the identification of herself and her minor child, Herbert Jamison, as Mississippi Choctaws.

W. H. Twine, Attorney for Applicants.

Patsey Jamison being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Patsey Jamison.
Q What is your age? A 59.
Q What is your post office address? A Fallis, Oklahoma.
Q How long have you lived in Fallis? A 11 years.
Q How long in Oklahoma? A About 11 years.
Q Where did you live before that? A I come from Texas.
Q Were you born in Texas? A In Tennessee.
Q Where in Tennessee? A Madison County.
Q From Tennessee did you go to Texas? A Yes sir.
Q How long did you live in Tennessee before you went to Texas? A A good while.
Q About how many years? A I was a good sized girl when I went to Texas; I was 8 or 9 years old.
Q Then you went to Texas? A Yes sir.
Q And you lived where in Texas? A Rusk County.
Q How long did you stay in Texas? A Stayed in Texas about 30 or 40 years.
Q And from there you went to Oklahoma and have been there ever since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Joe Tubbee.
Q What was your mother's name? A Kandis Tubbee.
Q Do you get your Choctaw blood from your father or mother? A My father; my mother was a slave.
Q How much Choctaw blood do you claim? A My father was half.
Q You? A I cant count it up.
Q Your father was one half? A Yes sir.
Q And you would be one half of that? A Yes sir.
Q One half of one half is one quarter; is that what you claim, one quarter? A Yes sir.
Q And you dont get any from your mother? A No sir.
Q She was a negro? A Yes sir.
Q And a slave? A Yes sir.
Q How much Choctaw blood did Joe Tubbee have? A Onehalf.

Q What was his other blood, negro? A Yes sir.
Q Was he a slave? A No sir.
Q Are you sure? A No sir, he warn't a slave.
Q Were you? A Yes sir.
Q And you and your mother were liberated by the act of emancipation? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A That I dont know.
Q When and where were your father and mother married, if they were married? A Back in Tennessees.
Q Do you know where in Tennessee? A Back where I was borned at; they was married and I was borned in Tennessee.
Q Where was that? A Madison County.
Q How long ago was that? A That was before I was borned.
Q During slavery? A Yes sir, during slavery time.
Q They were not married according to law? A No sir.
Q Did they continue to live together after she was freed? A No sir, my father died.
Q Died before emancipation? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a colored man? A Yes sir.
Q What is his name? A Albert Jamison.
Q You dont make any claim for him then? A No sir.
Q Was he a slave at one time? A Yes sir.
Q How many children have you under age? A One.
Q What is the name of that child? A Herbert.
Q How old is Herbert? A 19.
Q He is not married? A No sir.
Q Is your husband, Albert Jamison the father of Herbert? A Yes sir.
Q Are you and your husband living together as husband and wife, and this boy livin; with you at your home? A Yes sir.
Q Is your name or is his name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission for yourself and son under the act of Congress of June 10, 1896? A No sir.
Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and him as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Explain it to me?

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of this treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to

the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who wanted to stay back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. the treaty was then signed, and later, on the 24th day of February, 1831, was ratified. Now article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like maner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with that article? A No sir, I dont know it.
Q What is the name of your ancestor,- the old people I mean now, 'way back,- that you claim through? A My grandmother was whole Choctaw Indian; my father was one half.
Q That is your father's mother? A Yes sir.
Q What was her name? A Millie Tubbee; my father's name is Joe Tubbee.
Q Was she a full blood Choctaw? A My grandmother was.
Q Was her husband an Indian? A I dont know sir.
Q Was she a slave? A My mother was a slave.
Q I am talking about your grandmother? A No sir.
Q How did your mother become a slave? A She was a colored woman.
Q Millie Tubbee was your father's mother? A Yes sir.
Q What was Millie Tubbee's husband's name? A His name was Tubbee.
Q You dont know his full name? A I dont know it.
Q Did she live in Mississippi in 1830? A Yes sir, so father said.
Q Did she have children living there then? A My father said they lived there.
Q How many children did they have? A I disremember.
Q Was she married at that time? A Yes sir.
Q 73 years ago? A She had a husband.
Q Do you know where she was born? A I dont know where my grandmother was born.
Q When did she die? A I dont know when she died.
Q or where? A No sir, 'cause I was born in slavery.
Q Did your grandmother, Millie Tubbee, go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that she wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know sir.

Q Did she or any Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama for five years after the treaty of 1830 was ratified and at the end of that time get a deed or patent of that land from the government? A I dont know sir.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians, between 1833 and 1838 or '40? A I dont know.

Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A I dont know.

Q Did Millie Tubbees or any other Choctaw ancestor of yours, own any improvements on land in Mississippi or Alabama in 1830 or 1831? A I dont know that.

Q Did any of your Choctaw ancestors go before the commission of 1837 or the commission of 1842, and claim any benefits under article 14 of the treaty of 1830? A I dont know sir.

These commissions were appointed, one in 1837 and the other in 1842, by various acts of Congress, to go to Mississippi and hear claimants who were Choctaw Indians, and who complained that they had gone to Colonel Ward, the agent, within six months from the ratification of the treaty of 1830 and attempted to register under article 14, but that Colonel Ward refused to put their names on his registry list, and because he refused to do this the government took their land from them in the old Choctaw Nation and sold it.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land they had formerly held in the old Choctaw Nation, which the government had taken from them and sold? A No sir, I dont know anything about that.

Q Do you understand or speak Choctaw? A No sir.

Q Have any of your relatives been before the Commission? A No sir.

By W H Twine, attorney for applicant: We want 30 days time.

By the Commission+ 30 days time is allowed this applicant in which to introduce other evidence in support of this application.

This applicant has the appearance and physical characteristics of being descended from Negro parentage; she has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 6th day of February, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 14 day of February, 1903.

Charles H Lamar

Notary Public.

M C R 6668
M C R 6888

Muskogee, Indian Territory, September 17, 1903.

W. H. Fallis,

Notary Public,

Fallis, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you ask if certain depositions have been filed in support of the Mississippi Choctaw cases of Haywood Jamison and Patsey Jamison. You state you will take other depositions if the ones taken by you and forwarded to this office have not been received.

In reply you are informed that it does not appear from our records that any depositions have been filed in support of the above mentioned cases. A copy of the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications is herewith enclosed.

Respectfully,

Chairman.

R & R Dep.

COPY. M.C.R. 6668

Muskogee, Indian Territory, October 31, 1903.

Patsey Jamison,

Fallis, Oklahoma,

Dear Madam:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Ellen Pleasant, et al., embracing the following applications for identification as Mississippi Choctaws:

Ellen Pleasant,	M.C.R. 6669
Patsey Jamison, et al.,	M.C.R. 6668
John Jamison, et al.,	M.C.R. 6670
Paul Jamison,	M.C.R. 6671
Joe Jamison, et al.,	M.C.R. 7069
Haywood Jamison,	M.C.R. 6888
Mattie Anderson,	M.C.R. 7070
Sallie Jamison,	M.C.R. 7072
Effie Jamison,	M.C.R. 7071

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Pleasant, Patsey Jamison, Herbert Jamison, John Jamison, Oscar Jamison, Lillie Mabel Jamison, Paul Jamison, Joe Jamison, Russell Jamison, Jessie Jamison, Haywood Jamison, Mattie Anderson, Sallie Jamison and Effie Jamison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M C R 6668
M C R 7069

Muskogee, Indian Territory, November 14, 1903.

W. H. Fallis,

Fallis, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of the affidavits, in interrogatory form, of Sam Dixon and Mary Dixon, offered in support of the Mississippi Choctaw applications of Joe and Patsey Jamison, which applications are a part of the consolidated Mississippi Choctaw case of Ellen Pleasant, et al.

On October 31, 1903, the Commission rendered its decision refusing the several applications included in the consolidated Mississippi Choctaw case of Ellen Pleasant, et al., and on Monday, November 16, 1903, the record in said case, the decision of the Commission refusing the applicants, and the above mentioned affidavits, will be transmitted to the Secretary of the Interior.

The principal applicants will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Chairman.

M.C.R. 6668

COPY.

Muskogee, Indian Territory, August 27, 1904.

Patsey Jamison,

Fallis Oklahoma.

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Pleasant et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

M C R 6666

Muskogee, Indian Territory, September 9, 1904.

Patsey Jamison,

Fallis, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, acknowledging receipt of our communication of August 27, 1904, wherein you were notified that the Secretary of the Interior had affirmed the Commission's decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask if there are any further steps for you to take.

In reply you are informed that the Commission now considers your case closed, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

6668 No. 6668

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Patsey Jamison

Age 59 Blood 1/4

Post Office, Fallis, Okla.

Father: Joe Tubbee, d.

Mother: ~~Kansas~~ Kandis " d.

Claims through father, 1/2

Husband,

Albert Jamison, 1 neg.

No claim for husband

Children:

Herbert Jamison, 19

Claim for self and 1 child.

Stenographer W H Martin

R. 6

Patsey Jamison, e

RECORD FORWARDED DEPARTMENT.
NOV 14 1903

ACTION APPROVED BY
SECRETARY OF THE INTERIOR.

AUG 27 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED

REJECTED 6669.

END
OF
ROLL

